

UNDER-REPRESENTATION IN AMERICA:
SPECIAL INTEREST GROUPS, REFERENDUMS, AND ELECTION REFORM

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ABSTRACT

Americans are inadequately represented. Despite being such an important part of political science, social choice theory remains an area of study seldomly incorporated into political dialogue. Special interest groups and gerrymandering insidiously affect political substructures and can have long-lasting impacts. Referendums often produce paradoxical results and frequently fail to satisfy voters. They can also restrict minority rights when political participation is in question. Voting systems around the world have remained unchanged for over two centuries and poorly express voter desires. Improving upon elements encompassed by social choice theory has the potential to ensure more accurate representation. The issue of gerrymandering can be mitigated using new identification and districting methods. Additionally, policy makers should take note that referendums are most useful with single issue topics. Lastly, voting systems like Majority Judgement offer to revolutionize the way voting is accomplished in America. This thesis showcases numerous correlations demonstrating representation shortfalls in each of these areas and details improvements where aspects of these elements can be improved.

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Terms & Acronyms

Social Choice Theory - the study of collective decision processes and procedures. It is not a single theory, but a cluster of models and results concerning the aggregation of individual inputs (e.g., votes, preferences, judgments, welfare) into collective outputs (e.g., collective decisions, preferences, judgments, welfare) ¹

Special Interest Group - a community within a larger organization with a shared interest in advancing a specific area of knowledge, learning or technology where members cooperate to affect or to produce solutions within their particular field, and may communicate, meet, and organize conferences. For the purpose of this review and for the sake of objectivity, special interest groups are considered groups that enable professional (paid advocates) to influence the political process in favor of SIGs.²

Gerrymandering - in U.S. politics, drawing the boundaries of electoral districts in a way that gives one party an unfair advantage over its rivals.³

Referendum - a direct vote in which an entire electorate is invited to vote on a particular proposal.

Utility - is a term used by economists to describe the measurement of "useful-ness" that a consumer obtains from any good. Utility is the want satisfying power of any commodity or capacity of a commodity to give satisfaction.

Instant Run-off Voting (IRV) - a type of ranked preferential voting method used in single-seat elections with more than two candidates. Instead of indicating support for only one candidate, voters in IRV elections can rank the candidates in order of preference.⁴

Mixed Member Proportion (MMP) - a mixed electoral system in which voters get two votes: one to decide the representative for their single-seat constituency, and one for a political party. Seats in the legislature are filled firstly by the successful constituency candidates, and secondly, by party candidates based on the percentage of nationwide or region-wide votes that each party received. ⁵

¹ Sandford Encyclopedia

² ACM.org

³ Encyclopedia Britannica

⁴ Fairvote Project

⁵ ACE Project.org

*“That ballots are the rightful, and peaceful, successors of bullets; and that when ballots have fairly, and constitutionally, decided, there can be no successful appeal, back to bullets.”*⁶

- Abraham Lincoln

⁶ Abraham Lincoln, “Letter to James C. Conkling”, August 26, 1863.

Chapter 1

INTRODUCTION

The Enlightenment brought about a miraculous concept. Perhaps individuals could collectively make informed decisions regarding their political fate without the assistance of a benign monarch. This concept brought forth a series of both economic and political revelations. Nicolas de Condorcet and Jean-Charles de Borda, often considered the fathers of social choice theory, explored mechanisms for collective decision making without resorting to physical competition. Not only would their ideas change interactions between individuals, they would influence the interactions between future states.

Social choice theory is not one single theory, but a collection of procedures designed to optimize outcomes through collective agreement. It encompasses ideas such as Democratic Peace Theory and Pareto-optimal economic arrangements. Arguably, social choice theory remains excessively esoteric and is infrequently used in the political arena. Endeavoring to rectify this reality, this thesis refines social choice theory through an expansive exploration of both American and global political mechanisms. To do this, research is conducted on special interest groups and gerrymandering, referendums, and election reform. Each represents vital components of social choice theory that require attention. Warren Smith in his analysis of range voting consistently demonstrated the inadequacy of common voting systems. Lacy & Niou demonstrated the paradoxes generated by certain referendums. Nicholas Stephanopolous and Eric McGhee explained the issues with gerrymandering and articulated a proposed solution to those issues. The key finding in this thesis is that American voters are not adequately

represented. Despite this conclusion, numerous promising options exist that could mitigate the issue of inadequate representation.

This thesis begins with a discussion of how special interest groups have had a deleterious impact on the political process. First, the thesis conducts a theoretical critique of interest group politics before addressing a few case studies. It then performs an exploration on gerrymandering by analyzing its impact on voter turnout. Next, in Chapter 2, the thesis explores theoretical and applied research on referendums before contrasting public acceptance of minority groups with referendum use. In Chapter 3, theoretical axioms for improved representation are discussed. Alternative forms of representation are suggested and an analysis of happiness and representation is demonstrated. The thesis concludes with policy recommendations for reform that will significantly improve voter representation despite the monumental political implications associated with each.

There's a balance any representative republic faces when it comes to petitioning the government. Governments that prevent citizens from bringing grievances or advocating for policies can hardly be said to be democratic. Unregulated special interest group lobbying, however, has the potential to significantly and detrimentally affect how voters are represented. Substantial evidence exists indicating that economic elite domination and biased pluralism forms of special interest groups are more prevalent in the United States than majoritarian electoral democracy or majoritarian pluralism. If this is true, the median voter theorem, the powerful idea that centrist voters dictate political outcomes, is less true than previously thought. Unregulated lobbying can harm specific policies and serious structural harm can occur.. Both lobbying government and drafting voting districts influence the political process yet neither involves electing officials. As a result, each present accountability issues.

Gerrymandering is the act of establishing voting districts that align with political goals. Any election system that chooses representatives through a district rather than a popular vote innately runs the risk of developing gerrymandered districts. Two types of gerrymandering exist. Whether intentional or not, it is possible for districts to be “packed” with voters who support one party or “cracked” so that powerful voting blocks are divided. Looking to further demonstrate the harm of gerrymandering, the research contained in this thesis analyzes voter turnout in several states using who are considered the most heavily gerrymandered.

Nicholas Stephanopolous and Eric McGhee developed a metric labeled the efficiency gap that measures “wasted” votes. Wasted votes are any votes in excess of the 51 percent required to elect a candidate or any votes for a candidate who did not win. Using data from the United States Election Project, statewide voter turnout in the 2016 election was compared to the efficiency gap. Consequently, states that were most heavily gerrymandered according to Stephanopolous and McGhee’s efficiency gap also had the lowest rates of voter turnout. There is little surprise that states with districts that underrepresent voter wishes have discouraged voters, but the data supports what is already known about the detriments of gerrymandering.

Extensive evidence that directly links gerrymandering and special interest groups is lacking but each can lead to significant underrepresentation in the United States. There are alternative election mechanisms around the world that may mitigate underrepresentation and since referendums are considered the most democratic elements of social choice theory, referendums are explored first. Insight can also be gained from international case studies. Since referendums rely on direct participation, they are significantly more transparent and encompass universal elements.

Referendums, as a social choice tool, are more complicated than they appear. Many believe they rectify issues of underrepresentation, but they frequently fail to accomplish this. While popular initiatives are widely used in democracies around the world and have been thoroughly studied, research that links their detriments to political consequences is lacking. Many view referendums as an expression of popular will while others vilify them as enablers of majoritarian tyranny.

Referendums increase political energy and knowledge, but they have detriments as well. Lacy and Niou discovered that multi-issue referendums can produce paradoxical results. Because voters in referendums are not able to share information, they're unable to vote strategically in the same manner that legislatures do. Sharing information in this context means vote trading. An example would be that one member might vote for one policy he cares little for and, in exchange, another voter may reciprocate the behavior. Consequently, referendums that include complex, multi-issue topics produce paradoxical results. Brexit is a prime case study for a referendum that encompassed numerous policy implications and demonstrates the resulting issues with complex multi-issue decision making.

While academic prescription for referendums are mixed, there's a greater danger in their use when they focus on minority political rights. Direct democracy measures are particularly harmful to political systems when they restrict the civic rights of others. When minority rights are restricted in democracies, the responsibility to rectify such abuses lie with the courts. There may be a way, however, to reduce judicial burden without expanding the court system by identifying differences in types of referendums and implementing them in the appropriate context.

Simon Hug and George Tsebelis identified four different types of referendums. These are those triggered by the acting government, the citizens, or a mixture between the government and the citizens. Using data from the World Values Survey and the countries identified by Hug and Tsebelis, public attitudes toward immigration are compared to different types of national referendums around the world. Countries that use referendums seemingly have citizens more accepting to immigrants.

This result is peculiar for a variety of reasons. If direct democracy measures can restrict minority rights it is not immediately clear why nations with common referendum use are more accepting to immigrants. It is possible that nations with lower racial tension have no issue incorporating direct democracy measures while nations that have challenging racial relationships reject referendum use. The conclusion lacks robustness but the framework for study is still notable and leads to several questions that could clarify the data. It is possible further state or district level studies would reveal if referendums truly impact majority/minority relationships by controlling for national cultural differences and conducting statewide or regional studies. This area of research could also benefit from more insight onto specific policy issue outcomes between legislatures and referendums to identify where each maximizes voter utility. Clearly, referendums are not the silver bullet that rectifies underrepresentation but are merely an element of the solution. A more potent solution might involve election reform.

The United States uses a first past the post or winner take all election systems to choose representatives for political office. It is easy to understand, intuitive, easy to implement, and a inefficient method of expressing voter wishes. A plurality is required for candidates to win elections and competition beyond one party is structurally discouraged. These issues lead to significant underrepresentation at all levels of political office.

How might one choose a superior election system? Typically, political theorists turn to axioms to test the desirability alternatives. The first is that the process should not be decided by one individual. This non-dictatorship is almost self-evident but is necessary because all other axioms can be fixed if only one individual's preference matters. The second rests on Condorcet and his win criterion. This idea is that the winner should win when paired against all other candidates in one on one match ups. While not identical, this concept mirrors the notion that candidates should receive at least 51 percent of the vote to win since a Condorcet win criterion is always met when this is the case.

The third axiom is independence of irrelevant alternatives. First past the post voting in the United States fails this axiom most clearly. It is also called the "spoiler effect". The spoiler effect is when similar candidates enter a political race and the candidates most closely aligned split votes so that the minority candidate results in a greater plurality of votes. It is the violation of this axiom that results in an inevitable two-party system. The last axiom is called monotonicity. This axiom is most frequently violated by instant runoff systems where candidates are ranked. It states that ranking a preferred candidate better should not cause that candidate to lose and ranking a preferred candidate worse should not cause them to win. This happens when voters strategically and choose weaker candidates to eliminate more competitive challenges from the contention, so the final race is relatively uncompetitive.

Before moving on to explain research methodology in this chapter for identifying ideal voting systems, it is important to discuss one alternative frequently promoted in academic circles that is rejected in this thesis. Mixed member proportional voting is a type of election system that incorporates parties and individuals into the voting process and is a commonly recommended replacement to first past the post voting. Citizens vote for a party and for an individual. Parties

are then given the power to dictate who gains seats based on the percentage of votes the party received in the election. Mixed member proportional voting solves the issue of gerrymandering outright but has several components that American voters might find unpalatable.

The first is that it incorporates political parties as a part of the political process. This reduces voter expression further by allowing parties to choose representatives rather than voters. Such a contentious practice would likely be rejected in the United States. The second problematic element of mixed member proportional voting is that it possesses the same issues as first past the post voting. Instead of fringe candidates dictating the political process with a plurality of votes, fringe parties gain disproportionate power in the political process. Because mixed member proportional voting systems are split, they require coalition building by their very nature. Centrist and popular parties often lack the necessary support to enact legislation and require compromise with smaller fringe parties for necessary support.

Knowledge of commonly accepted axioms for superior election systems permits a more nuanced analysis of alternatives. The most promising voting systems are approval and range voting depending on the election time scale. Approval and range voting are simple to understand and meet each criteria previously listed. Each eliminate the spoiler effect, are monotonic, and elect representatives that receive 51 percent of the vote. Approval voting is the act of stating whether or not a candidate is acceptable or not for all possible candidates. Instead of choosing one candidate voters are able to approve multiple candidates. The candidate who receives the highest approval is elected. Range voting is similar in that all candidates are voted on, but a continuum of preference is possible. Instead of a simple yes or no, candidates receive a scaled vote. The most promising form of range voting is Majority Judgement theorized by Michel Balinski and Rida Laraki. Majority Judgement asks voters to judge candidates on a scale from

unknown to great. The vote might include grades such as “unknown, bad, okay, good, great”.

Voters are best able to express their desires and candidates with the best grade are elected. There is also an added signal benefit where candidates know the strength of their mandate after election.

It may seem self-evident that different political systems impact the happiness of electorates but attempts to study direct ties to national voting systems and happiness have not previously occurred. This is likely due to the intangible nature of happiness and its philosophical components. One institution, however, boldly attempts to capture happiness concretely. The World Happiness Index is the most powerful widely available data that expresses happiness analytically. The report considered Gallup World Polls and six other factors including GDP, life expectancy, generosity, social support, freedom, and corruption. Each sub-category includes numerous factors as well. The yearly report contains dozens of variables that make isolation difficult but when similar variables are manipulated remarkable trends can be noticed.

Attempting to rectify the lack of research on happiness, this thesis compared happiness from 105 nations and categorized regions and national governments. The results demonstrated that multi-party systems have noticeable positive impacts on national happiness. Middle Eastern monarchy and autocratic style governments have clearly depressed happiness index scores. Another fact emerged from the data analysis as well. A nation’s liberal tendencies influenced its national happiness significantly more than its type of government. Liberal in this context is a nation that prioritize securing human and individual rights. Nordic states, North, and South American nations that incorporated political mechanisms securing these rights had noticeable happiness advantages over those that did not place such a high emphasis on human rights.

The elements of social choice theory contained in this thesis provide evidence to suggest American voters are underrepresented. Despite this fact, the outlook remains optimistic. Numerous options within social choice theory exist to mitigate representation inefficiency. The impact of special interest groups and gerrymandering can be significantly hampered by incorporating the efficiency gap metric and turn based districting strategies. Referendum efficiency can be increased by using referendums for single issue policy decisions with simple outcomes. Minorities can also be inoculated from the passions of majority voters through more systematically triggered referendums than referendums triggered by the populous. Different referendum styles exist, and policy makers can use this to their advantage. Lastly, and most importantly, election reform offers the greatest promise of lasting structural and behavioral change to American political life. The antiquated system of first past the post has far exceeded its shelf life and range voting alternatives have shown to be more representative of voter wishes in both computational models and in nature.

Nicolas de Condorcet and Jean-Charles de Borda provided the world with gifts that have yet to be claimed. The United States, being a bastion of progress and the oldest constitutional republic, has the opportunity and means to show the world how powerful small improvements to social choice mechanisms are. In doing so, representation inefficiencies within the American system of government can be eliminated.

Chapter 2

SPECIAL INTEREST GROUPS, GERRYMANDERING, AND VOTER TURNOUT

Pollution is bad for a variety of reasons. Beside the obvious damage to the environment in which we live, pollution arguably affects the freedom. In economics an externality is the consequence of an individual action that impacts others. Negative externalities harm groups without involving all affected members in the decision-making progress.

In political science, these externalities occur when political action affects the larger political process and little to no accountability exists as recourse for negative effects. Special interest groups and gerrymandering are two mechanisms that can and often do negatively affect representation. This thesis chapter presents several case studies outlining how special interest groups can have deleterious effects on the political process. Additionally, it addresses gerrymandering and conducts an empirical analysis of voter turnout in heavily gerrymandered states to showcase how negative political externalities can have compounding effects overtime.

In the United States there is a belief that minority groups hold more power than appropriate. In his farewell address to the nation, President Ronald Reagan warned Americans against the power of special interests and iron triangles. "A triangle of institutions - parts of Congress, the media and special interest groups – is transforming and placing out of focus our constitutional balance..."⁷ Petitioning legislators is a fundamental component of representative government but left unregulated, the effects can be detrimental to democratic government. This dynamic has created a dynamic where individuals who are not accountability have the ability to

⁷ Peterson, Paul E. 1990. "The Rise and Fall of Special Interest Polit." *Political Science Quarterly* 105(4): 539–56.

affect the larger political process. The existence of such an unaccountable dynamic warrants review

There are numerous studies that delve into special interest group behaviors. This chapter seeks to identify the relationship between special interest groups and voter turnout in highly gerrymandered states. To accomplish this, it categorizes several major schools of thought on the structural outcome of interest group politics and how they lead to gerrymandering as well as offer modified metrics policy makers can use to alleviate the harm of gerrymandering. To do this, a literature review of the history of special interest groups is presented. The main schools of thought on interest group politics are given. Understanding the history of lobbying in America through the discussion of several case studies provides deeper context to the dynamic. Lastly, gerrymandering in its current form in conjunction with the data on voter turnout is shown.

Special interest groups have grown from discreet, state directed lobbies to the massive behemoths that now reside within the nation's capital. While lobbyists have existed since the creation of the American Republic, the nature of the modern interest groups have transitioned them into a much more powerful player in government. Consequently, it is clear negative externalities have manifested as interest group influence has expanded.

The second mechanism influencing the political process with little direct political accountability is gerrymandering. Gerrymandering is the practice of drawing political districts in a way most favorable to a political goal. The act can create symbiotic relationships between even opposed political groups to form non-competitive, politically stable zones of representation. This district drawing, however, is heavily impacted by special interest groups.

The term special interest group has become pervasive in the American political system and, to many, a pejorative label. Political scientists have turned their gaze to these groups and asked whether interest groups in their current form are desirable. James Madison, in *Federalist 10*, foresaw this type of factional behavior. He believed that competing interests would prevent any single faction from obtaining too much power. In the idealized conception of a republic, laws and policy are guided by the mantra “one man, one vote”.^{8 9} Current interactions between interest groups and government might prevent this from being the case.

There is a notable lack of consensus among political scientists as to what defines a special interest group. This lack of agreement has proven problematic for the study of such groups. According to Gene Grossman and Elhanan Helpman, authors of *Special Interest Politics*, some authors use the term broadly to refer to any subset of voters who have similar social or demographic characteristics, or similar beliefs, interests, and policy preferences. “Others reserve the term for membership organizations that engage in political activities on behalf of their members”.¹⁰

Thomas Clive of Britannica is one such author who defines special interest groups broadly, with his definition being “any association of individuals or organizations, usually formally organized, that, on the basis of one or more shared concerns, attempts to influence public policy in its favour.”¹¹ The issue with this definition is that it makes objective study more difficult. Associations can change frequently and quickly. It is also difficult to ascertain the

⁸ Madison, James. “The Federalist No. 10.” *The Federalist* #10. <http://www.constitution.org/fed/federa10.htm>.

⁹ Smith, J. Douglas; *On Democracy’s Doorstep: The Inside Story of How the Supreme Court Brought “One Person, One Vote” to the United States*; pp. 4-18 ISBN 0809074249

¹⁰ Grossman, Gene M., and Elhanan Helpman. *Special Interest Politics*. https://www.researchgate.net/profile/Elhanan_Helpman/publication/23573546_Special_Interest_Politics/links/56adf5fa08aeaa696f2e8baa.pdf.

¹¹ Clive, Thomas. “Interest group.” *Encyclopædia Britannica*. <https://www.britannica.com/topic/interest-group>.

actual membership composition when these groups are defined as such. For the purpose of this review and for the sake of objectivity, special interest groups are considered groups that enable professional (paid advocates) to influence the political process in favor of special interest groups. This definition has its faults, mainly that it restricts the study of interest groups to professional organizations, but it is the definition most suited to quantitative analysis.

This leads to a discussion regarding the consequences of special interest groups on the American political system. The traditional positive view of interest groups holds that they contribute to the democratic process by enabling minorities an opportunity to be heard, that they allow for more refined representation, offer technical solutions that non-specialists would be unable to provide, and offer a voice for those who lack the means to be heard. Conversely, the critics of such behavior argue that interest groups lead to a type of pluralistic inefficiency, ignore the larger interests of the public, and have a propensity to flirt with criminal behavior.¹² Lastly, special interest groups can also impact how parties conduct their districting by infusing parties with the means to gerrymander by financing districting plans and lobbying parties.

Theodore Lowi articulates that the influence of interest groups has unduly infiltrated the political process. This is most apparent in his 1967 contribution to *The American Political Science Review* titled “The Public Philosophy: Interest Group Liberalism”.¹³ His body of work supports the notion that interest group liberalism (the quantity and involvement of special interest groups) has gone well beyond what was expected in the nation’s early onset. Lowi argues that identity politics associated with special interest groups has been adopted by both

¹² “6 Advantages and Disadvantages of Interest Groups.” FutureofWorking.com. <https://futureofworking.com/6-advantages-and-disadvantages-of-interest-groups/>.

¹³ Lowi, T. (1967). *The Public Philosophy: Interest-Group Liberalism*. *The American Political Science Review*, 61(1), 5-24. doi:10.2307/1953872

conservative and liberal political factions despite the traditional liberal nature of such groups.

“Concern for the proper relation of private life and public order was always a serious and effective issue”.¹⁴

Lowi’s overall stance regarding special interest groups is critical but he provides prescription as well. “Restoring pluralism as an effective principle of democratic politics requires destroying it as a principle of government. If this is to be accomplished, reform must begin with the replacement of interest group liberalism with some contemporary version of the rule of law.”

¹⁵ CNN journalist Fareed Zakaria is in the same school of thought. Zakaria’s book, *The Future of Freedom: Illiberal Democracy at Home and Abroad*, presents the argument that over-democratization has occurred at every level of American government.¹⁶ This trend, it is argued, has created significantly more gridlock and postured representatives to be more vulnerable to influence from small minorities.

The increased transparency of individual vote tallying in the latter half of the 20th century created unforeseen consequences. It should go without saying that accountability in a democracy is desirable but individual vote tallying had the effect of binding representatives to special interest groups. Each vote is now tracked by lobby groups with the inclination and ability to do so. The American taxpayer may stand to lose \$4 per person on a wool subsidy where 100 farmers could gain \$100 million.

This incentive structure, as argued by both Zakaria and Lowi, does little to correct accountability and representation inefficiencies. Most Americans might have a vested interest in

¹⁴ Ibid p.5.

¹⁵ Ibid p.24.

¹⁶ Zakaria, Fareed. 2007. *The Future of Freedom: Illiberal Democracy at Home and Abroad*. New York: W.W. Norton.

seeing that such a subsidy goes unfulfilled but are not irrational enough to spend resources advocating against such a policy. Authors Geene Grossman and Elhanan Helpman, in their research on electoral competition and special interest group politics, found that lobby groups are able to influence legislative action through vote coalitions and campaign contributions. The idea that follows is that it is not fully the public welfare that decides policy in the system. The special interest group that convinces representatives that voters and campaign funding can result from certain behavior is able to dictate that representative's behavior and, consequently, policy. Such actions, as argued by this school of thought, are largely undemocratic.

“Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens” evaluates what groups actually wield power within government.¹⁷ Martin Gilenz and Benjamin Page's research falls in line with previously mentioned researchers but differ in their postulation of four major types of governance with these being Majoritarian Electoral Democracy, Economic Elite Domination, Majoritarian Pluralism, and Biased Pluralism. The conclusion drawn from their study is that

Multivariate analysis indicates that economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence. The results provide substantial support for theories of Economic Elite Domination and for theories of Biased Pluralism, but not for theories of Majoritarian Electoral Democracy or Majoritarian Pluralism¹⁸

¹⁷ Gilenz, Martin, and Benjamin Page. “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens.” [http://amadorcountynews.org/2014-04/American percent20Politics percent20- percent20Elites, percent20Interest percent20Groups, percent20and percent20Average percent20Citizens.pdf](http://amadorcountynews.org/2014-04/American%20Politics%20-%20Elites,%20Interest%20Groups,%20and%20Average%20Citizens.pdf).

¹⁸ Ibid p.2

This conclusion supports the notion that economic and business interest groups significantly impact policy far more than specific median mass-based interest groups. This type of situation is concerning in that it creates an environment where the median voter has less sway than would be expected. However, it should be noted that policy making is not necessarily a zero-sum game. The desires and interests of affluent business elites often coincides with the median voter. In such a system, there are not necessarily “winners and losers”. The concern is the repercussion when those interests divide.

A final point: even in a bivariate, descriptive sense, our evidence indicates that the responsiveness of the U.S. political system when the general public wants government action is severely limited. Because of the impediments to majority rule that were deliberately built into the U.S. political system – federalism, separation of powers, bicameralism – together with further impediments due to anti-majoritarian congressional rules and procedures, the system has a substantial status quo bias¹⁹

The results are not entirely surprising and demonstrate the inherent limitations of majority will within American government. The status quo bias as mentioned here may be conducive to better long-term decisions. However, it may also be the source of great constituent frustration.

It should be said that not all research presents such a critical view of special interest groups. “Special interests may have been steadily gaining in influence throughout the 1960s and 1970s, but both during the Reagan years and during the initial years of the Bush administration, these groups lost much of the clout they had once acquired”.²⁰ Paul Peterson, in his article “The Rise and Fall of Special Interest Politics”, presents data showing federal expenditures and revenues as a percentage of GNP with regard to the expenditure of such GNP on special interest groups that matched his definition. His results are that interest groups are diminishing in power

¹⁹ Ibid p.18

²⁰ Peterson, P. (1990). The Rise and Fall of Special Interest Politics. *Political Science Quarterly*, 105(4), 539-556. doi:10.2307/2150934

but Peterson cautions interpretation of his data and noted that such a trend was largely the result of a declining defense budget. “Deficit reduction will undoubtedly become a high priority, and this goal by itself could absorb the entire reduction in the cost of national defense. Our findings thus support the thesis that strong parties and centralized decision-making leave interest groups in a relatively disadvantageous position.”²¹

Peterson’s research concluded in 1990 which was a period with declining U.S. involvement in international affairs. It is clear with the events of 2001 that such isolationist tendencies did not last. This does not discredit researchers in the same camp as Peterson outright. It may, for example, support the idea that a cyclical interest group power structure exists where groups have more or less control depending on the time in which they exist. Amitai Etzioni joins Peterson with his case countering the prevailing public belief that “interest groups [are] threatening to pluralistic democracy. In “Special Interest Groups Versus Constituency Representation”, the benefits, he argues, are conferred mostly from constituency-representing organizations and not as much from minority organizations.²² Authors in Peterson and Etzioni’s school of thought demonstrate that interest groups either 1. pose no threat to the stability of the government or 2. serve a valuable function in the democratic process. Etzioni postulates that elimination of interest groups would be neither feasible or desirable.

Research pertaining to special interest groups and minority influence on the American political process is relatively new, but the institution and practice of lobbying has existed long before the nation’s conception. Knowing the evolution of such a practice into the modern conception is vital for understanding the why and how such practices exist and the consequence

²¹ Ibid p.556

²² Etzioni, A. (1985). Special interest groups versus constituency representation. *Research in Social Movements, Conflicts and Change*, 8, 171-195.

of such. The early stages of lobbying occurred largely at the state level. The national government was imbued with the ability to regulate inter-state commerce, but real power was held by the states. “When lobbying did happen in those days, it was often ‘practiced discreetly’ with little or no public disclosure”.²³ Such discreet behavior can be perceived by some to be one in the same as corruption. It is only through transparency, it is argued, that the two concepts can be differentiated.

Margaret Thompson weaves a detailed account of the intense lobbying performed by rail road companies in the wake of the Civil War as the earliest, best documented case of lobbying in her book, *Lobbying in the Age of Grant*.²⁴ The practice continued to grow and was most evident through the passage of a series of service member acts following WWI. The size and scope of special interest groups in the nation became such a concern that President Hoover, in his augural address to the nation, warned that a “locus swarm of lobbyists plagued Congress”.²⁵ The topic of special interest groups was finally addressed formally in the Supreme Court Case *United States v. Rumely*. In 1953, the court ruled that lobbying is Constitutional but stipulated that personal contact between representatives and congressmen shall be illegal.

It is said that lobbying itself is an evil and a danger. We agree that lobbying by personal contact may be an evil and a potential danger to the best in legislative processes. It is said that indirect lobbying by the pressure of public opinion on the Congress is an evil and a danger. That is not an evil; it is a good, the healthy essence of the democratic process...²⁶

²³ DeKieffer, D. E. (1997). *The citizen's guide to lobbying Congress*. Chicago Review Press.

²⁴ Thompson, M. S. (1983, September). Corruption—or Confusion? Lobbying and Congressional Government in the Early Gilded Age. In *Congress & the Presidency: A Journal of Capital Studies* (Vol. 10, No. 2, pp. 169-193). Taylor & Francis Group.

²⁵ Herbert Hoover: "Address Accepting the Republican Presidential Nomination.," August 11, 1932. Online by Gerhard Peters and John T. Woolley, The American Presidency Project.
<http://www.presidency.ucsb.edu/ws/?pid=23198>.

²⁶ *United States v. Rumley*. 1953. No. 87 (345 U.S. 41).
<https://supreme.justia.com/cases/federal/us/345/41/case.html>

This case set the foundation for the modern lobby industry. Money has poured into the nation's capital since 1953 and this infusion of cash, coupled with technological change, has led to a complex relationship between representatives and constituents. Now, forms of communication like private e-mail servers, untraceable text applications, and complex interaction rules have obscured the interactions between special interest groups and representatives. In addition, the aspect of a "revolving door" where congressmen leave their elected positions for more lucrative lobbying positions has created a perception of mistrust in the nation's leadership²⁷.

The discussion on the impact of special interest groups would be lacking without providing several specific case studies. Dr. Lowi's assertion that both ends of the political affiliation spectrum have become dominated by special interest groups is most evident with the defense and healthcare industry. The defense industry, the "Military Industrial Complex" as coined by President Eisenhower, has come to affect one of the largest government institutions at every level. The complex array of relationships between government, businesses, and Congress have created an iron triangle of interests that all serve to reinforce each other.

In many respects, the lines have been blurred between military official and business associate. An example of this was the 2005 Air Force Tanker Lease contract. Shahnaz M. Punjani, in his report titled "The Iron Triangle Manifested: U.S. Air Force Tanker Lease 2001-2005 Case Study", details specific events that provide insight into not only private special interest groups but public special interest organizations such as branches of the Department of Defense. John McCain in a senate hearing committee on the contract stated, "Competition is

²⁷ <https://www.opensecrets.org/revolving/top.php?display=M>

fundamental to the way we do business and I don't see why we are considering leasing these aircraft, which is going to cost us far more than buying them at the end of the day. This is a bail out..." The summary of the scandal is summarized best by Punjani.

The proposed lease of the KC-767 tanker aircraft was one of the most infamous procurement scandals of the post-Cold War era. Interactions within the military-industrial-congressional complex led to legislation permitting the Air Force to lease tankers from Boeing using an operating lease rather than standard procurement. Following the outcry from Congress, industry, the media, and numerous watchdog groups, Congress and the Department of Defense (DOD) launched a wave of investigations and hearings. During the lease debate, participants reached a number of compromises documented in congressional legislation. However, this was not sufficient to continue the lease process. After nearly 4 years, Congress cancelled the tanker lease and directed the Air Force to pursue a traditional procurement approach²⁸

This example involved every aspect of what is traditionally considered undesirable from special interest groups. It started with Senator Ted Stevens who contacted the Air Force and asked for 'a proposal using 'creative funding' to acquire new Boeing aircraft to replace part of the aging KC-135 air-tanker fleet. The tanker fleet was created in the 50's and has been showing severe signs of age. The Air Force responded by using what is called OME funds or Operations and Maintenance funding to fund the lease for the Boeing 767 adapted commercial variant. Such a clear violation of standard operating procedures was the first sign of trouble.

As the lease contract continued, Congress, government watchdog groups, think tanks, and executive offices raised concern that the contract was too expensive and the need not urgent enough to warrant such spending. All the while, Boeing managed to create an arrangement through the company Wilmington Trust to garner private investments to fund the project so that neither the Air Force nor Boeing would incur any risk. "At the end of the lease, the Air Force

²⁸ Punjani, S. M. (2012). The Iron Triangle Manifested: US Air Force Tanker Lease 2001-2005 Case Study. NATIONAL DEFENSE UNIV FORT MCNAIR DC INDUSTRIAL COLLEGE OF THE ARMED FORCES.

would either return the aircraft to Wilmington Trust or purchase them for an additional \$44 million per aircraft”.²⁹

Clearly, an investment firm would have little desire to acquire an asset completely out its scope and the Air Force would have little desire to relinquish a valued asset. The arrangement favored private investors with the taxpayer bearing the burden. The entire contract was cancelled upon news of ethical misconduct by a former employee. “Darleen Druyun was one of the key Air Force officials working with Boeing during the lease negotiations. After her retirement from government service, she took a position at Boeing as Deputy General Manager for Missile Defense Systems on January 3, 2003”.³⁰ This act was the final blow to the tanker lease contract. Not only had numerous ethical and procedural barriers been breached but a key official broke an anti-corruption law aimed at preventing such favoritism in the acquisition process.

This case study provides a valuable insight into the types of behaviors that are witnessed within the defense sector. The concern is not that individuals acted in such a manner but that the process permits and, it could be argued, encourages such interactions. The bureaucratic complexity of the process, coupled with the desire to implement purchases quickly, creates a perverse environment rife for exploitation. This specific study demonstrates all aspects of lobbying but is relatively narrow in scope. The Affordable Care Act, on the other hand is an example of legislation with far broader special interest group involvement.

The year 2010 marked an important milestone to progressive special interest groups. President Barack Obama signed the Patient Protection and Affordable Care Act into law. The

²⁹ Ibid p. 63

³⁰ Cahlink, George. 2004. “Ex-Pentagon procurement executive gets jail time.” Government Executive. <http://www.govexec.com/defense/2004/10/ex-pentagon-procurement-executive-gets-jail-time/17737/>.

law aimed to provide insurance for up to 15 percent of Americans unable to pay for health insurance and made it illegal for insurance companies to discriminate against preexisting conditions³¹. It was designed to increase quality and affordability through mandates, subsidies, and insurance exchanges.

Throughout the process the Health Care for America Now (HCAN) group, a collection of over 1,000 health care-oriented groups, managed a coalition aimed at pursuing a public health option.³² The act was severely hobbled by challenges to the individual mandate portion of legislation. Michael Tanner of the CATO Institute explained the dilemma in his 2006 report on health care mandates. Insurance companies respond to an inability to price on preexisting conditions by raising prices on healthy individuals. Such a response incentivizes healthy individuals to opt out (knowing they can return to the market if they require). The decreased customer base amplifies the issue further. As a result, insurance prices spiral out of control until the market collapses.

The saving grace of the Affordable Care Act occurred with a Supreme Court Ruling. The *National Federation of Independent Business v. Sebelius* was a 5-4 decision by the court that upheld the individual mandate portion of the Affordable Care Act.³³ However, the penalty for refusing to purchase insurance was removed. While HCAN was not successful, they represent a clear example of the “interest group liberalism” that Dr. Lowi presented. This example demonstrates how the scope and complexity of the lobby industry has intensified in both the conservative and progressive political realm.

³¹ “Why is Obamacare so controversial?” 2016. BBC News. <http://www.bbc.com/news/world-us-canada-24370967>.

³² "Focus on Health Reform: Summary of New Health Reform Law" (PDF). The Henry J. Kaiser Family Foundation. April 15, 2010.

³³ Law, S. C. *National Federation of Independent Business v. Sebelius*.

Each of these case studies provide fruitful examples of the iron triangles of special interest groups, benefitting parties, and Congress. Since the Supreme Court Case *U.S. v. Rumley*, the defense industry has grown significantly, and clear examples of inappropriate incentives exist. The same can be said of the health industry. Both industries involve thousands of special interest groups who have showcased undesirable acts such as revolving doors and highlight the concept of biased pluralism. This system of pluralism stands in contrast to the argument that majority rule dominates the policy making agenda. It also shows how frequently special interest group politics affect the larger political process. Another mechanism with significant ability to influence the political process with little accountability is gerrymandering. This chapter aims to demonstrate the negative effects of gerrymandering and how they influence the larger political process. The empirical analysis used in this chapter utilizes a detection method postulated by Nicholas Stephanopoulos and Eric McGhee in *Partisan Gerrymandering and the Efficiency Gap*. In their work the researchers articulate that a “gerrymander is simply a district plan that results in one party wasting many more votes than its adversary”. This waste is measured in votes for a candidate in excess of the 51 percent needed to win or votes for a candidate that does not win.

Accordingly, there are two different forms of gerrymandering that occur. Cracking is when districts are drawn so that votes for one party are diluted for the opposing party to gain advantage. Packing is when districts are drawn to maximize the number of one specific party vote to ensure the district remains uncompetitive³⁴. Gerrymandering presents several democratic issues. The first is that it skews representation so that representatives do not reflect who voters

³⁴ <http://gerrymander.princeton.edu/info/>

chose. It also lessens representative responsiveness. When single parties dominate districts regardless of performance the democratic process is weakened.

To date, no universal process exists that dictates how districts should be drawn. The Citizens for United States Directives organization explains that, “Though congressional redistricting is the responsibility of the States, special interests promoting a specific congressperson and party have a major influence on the process. In 36 states, redistricting is the responsibility of the state legislature; in seven states (AZ, HI, ID, NJ, WA and WV), redistricting is done by independent means; and seven states (AL, DE, MT, ND, SD, VT and WY) have only a single district³⁵”. Specific economic entities within states can have tremendous influence on how districts are drawn. Despite the negative aspects of gerrymandering, numerous options exist for both detecting and correcting the issue. McGee and Stephanopoulos designed what they call the efficiency gap. The ratio as they explain,

...represents the difference between the parties’ respective wasted votes in an election—where a vote is wasted if it is cast (1) for a losing candidate, or (2) for a winning candidate but in excess of what she needed to prevail. Large numbers of votes commonly are cast for losing candidates as a result of the time-honored gerrymandering technique of “cracking.” Likewise, excessive votes often are cast for winning candidates thanks to the equally age-old mechanism of “packing.” The efficiency gap essentially aggregates all of a district plan’s cracking and packing choices into a single, tidy number³⁶.

This solution rests on the assumption that political symmetry exists. Political symmetry is the formal recognition that two main parties exist, and the ratios of representatives should mirror

³⁵ <https://cusdi.org/faq/congress-deny-choice-representation/>

³⁶ Stephanopoulos, Nicholas O., and Eric M. McGhee. "Partisan gerrymandering and the efficiency gap." *U. chi. l. Rev.* 82 (2015): 831.

voter choice. If 100 representatives can be chosen and half of voters vote republican, then perfect symmetry would elect 50 republican voters.

Such a mechanism offers courts and policy makers the ability to detect gerrymandering without partisan bias. A threshold would need to be chosen to identify when significant gerrymandering occurs. McGee and Stephanopoulous suggest 1.5 standard deviations from the mean efficiency gap which is roughly 2 congressional seats or 8 percent of most state legislatures. This suggestion covers all but the worst “14 percent of all congressional districting plans” and “12 percent of all state plans”.³⁷ Lastly, it is recommended that, “To take into account this volatility, we propose treating a plan as presumptively invalid only if its gap exceeds the threshold we have identified, and the gap is unlikely to hit zero over the plan’s lifetime”.

This methodology offers a detection method, but it fails to offer prescription for how districting could be accomplished to avoid unintentional gerrymandering. Wesley Pegden, Ariel Procaccia, and Dingli Yu used aspects of Game Theory to solve the issue. They suggest turn based strategies where two opposing parties would take turns picking and dividing districts.

We design and analyze a protocol for dividing a state into districts, where parties take turns proposing a division, and freezing a district from the other party’s proposed division. We show that our protocol has predictable and provable guarantees for both the number of districts in which each party has a majority of supporters, and the extent to which either party has the power to pack a specific population into a single district.

This method harkens to the age old “cut and choose method”. The cut and choose analogy is a classic strategy devised by economists to simulate optimal negotiating tactics. One person can cut the pie in any method they see fit and the other person gets to pick the piece they get. The cut

³⁷ IBID. 844.

and choose method in combination with the efficiency gap can drastically reduce intentional and unintentional gerrymandering.

The discussion so far has centered around detection mechanisms and methods for avoiding gerrymandering. However, this chapter also analyzes voter turnout in heavily gerrymandered states and compares it to states with partisan symmetry. This is done with data from the election project and McGee and Stephanopoulous' efficiency gap metric. State efficiency gaps were compared to voter turnout and the national average.

Figure 1.

Gerrymandered States

State	Number of Seats	Turnout 2018 Midterm	Difference from National Average (50.1)
North Carolina	3	0.50	-0.01
Pennsylvania	3	0.51	0.01
Michigan	2	0.58	0.08
New York	2	0.45	-0.05
Texas	2	0.46	-0.04
New Hampshire	1	0.55	0.05
Nevada	1	0.48	-0.03
Connecticut	1	0.54	0.04
Kansas	1	0.51	0.01
Nebraska	1	0.52	0.02
Oregon	1	0.62	0.11
West Virginia	1	0.43	-0.08
Utah	1	0.52	0.02
South Carolina	1	0.45	-0.05
Iowa	1	0.58	0.08
Wisconsin	1	0.62	0.12
Virginia	1	0.55	0.05
Maryland	1	0.54	0.04
Alabama	1	0.47	-0.03
Indiana	1	0.47	-0.03
Minnesota	1	0.64	0.14
Ohio	1	0.51	0.01
Georgia	1	0.55	0.05
Massachusetts	1	0.55	0.05
Florida	1	0.55	0.05
Illinois	1	0.51	0.01

Using this methodology, the four most heavily gerrymandered states are North Carolina, Pennsylvania, Michigan, New York, and Texas. The difference in these states to the national average does appear to indicate that voter turnout is negatively hampered. Three of the five states (60 percent) showed reduced voter turnout compared to the national average whereas only five of twenty-one (23 percent) of the comparison states showed turnout below the national average. The data provided lacks depth, but it clearly demonstrates a compelling framework for the study of voter turnout and gerrymandering. More robust analysis could emphatically demonstrate additional unforeseen damage that gerrymandering could cause to democracies.

The studies presented demonstrate that special interest groups exist, have grown in number over time, and the involvement of money in the political process has skyrocketed. Special interest groups in particular have the potential to do more than just harm specific policy goals. They have the potential to affect how political districts are drawn. Some scholars, such as Lowi, Zakaria, Gilenz, and Page are more critical in their stance on the structure and interaction of these groups with government.

This school of thought holds that something must be done to regulate this component of the political process. The corrupting atmosphere, they argue, is too strong within the current lobby structure. Other thinkers, like Peterson, Etzioni, and the Supreme Court, present the idea that interest groups are relatively harmless or vital to the health of democracy. McGee and Stephanopoulous and Wesley Pegden, Ariel Procaccia, and Dingli Yu offer more prescription. It is from their methodology that the negative relationship between voter turnout and gerrymandering is demonstrated.

The two case studies offer differing political perspectives on the relationship between special interest groups and government. The first demonstrated the complexity of such special interest group interactions whereas the second highlighted the explosion of involvement from special interest groups in the legislative realm. The research provided paints a picture of their impact on American government, but certain questions remain unanswered.

The influence of money on the political process is one of the biggest gaps in special interest group research. “Big money” is a term used quite often when referring to the concept of biased pluralism as presented by Gilenz and Page. Knowing the impact of campaign finance and lobbying expenditures would be the first vital step in curtailing undesirable effects. One question worth asking, for example, is what would happen if representatives had capped campaign budgets? Would curtailing the negative aspects of gerrymandering force government into recognizing party politics as fundamental to the structure of government?

Special interest groups do more than advocate for their agendas. They have the ability to significantly impact the political process in the United States. This type of negative influence with little accountability can have long-term consequences for representative efficiency. While not every interest group is economically oriented, every group seeks to influence policy. It is one thing for an interest group to sway a specific policy, but it is something entirely more insidious for an interest group to sway a political outcome for decades. Solutions related to gerrymandering are promising but there is reason to believe changing election methodology could mitigate the underlying issue associated with special interest groups and gerrymandering. Mitigating symptoms without correcting underlying systematic issues can often mask issues until they are no longer tolerable, and the American political process is worth treating.

Chapter 3

REFERENDUM IMPACTS ON INCLUSIVITY

At first look, it appears research on referendums is oversaturated. The expansive effort has explained benefits and issues, analyzed voter energy and knowledge, and even focused on how minority policy issues fair in referendums. Very little, however, has focused on the different types of referendums and how their use affects public attitudes toward minority groups. Expanding on the central premise of social choice theory, this chapter analyzes referendums and their impact on the polity and asserts that different types of referendums are more suited for various ethnic societal compositions. Through a corollary analysis of public attitudes toward immigrants and the dominant referendum used by a polity, insight is gained into how referendums affect public perception or which types of referendums tolerant societies prefer. Additional energy is devoted to evaluating referendum case studies within nations particularly hostile or welcoming to minorities. These efforts identify differences in the types of referendums nations incorporate and public attitudes toward minority groups.

Social choice theory ties back to Condorcet's ideas on voting and Kenneth Arrow's expansion on those ideas.³⁸ It is the theoretical framework for combining preferences to optimally decide outcomes without resorting to physical conflict. Previous research focused on maximizing utility from election systems and this chapter takes a similar perspective by detailing referendums more conducive to inclusivity. As a tool within the framework of social choice, referendums are ubiquitous in democratic societies. Referendums, and many political scholars,

³⁸ Amartya Sen, 2008. "social choice,". The New Palgrave Dictionary of Economics, 2nd Edition, Abstract & TOC.

frequently focus attention on the median voter theorem. The theorem is idea that the middle voter decides the outcome of a vote and this idea is central to democracy. Common concerns with democracies revolve around protection of minority groups. Referendums often encroach on and restrict minority rights.³⁹ Knowing how referendums can be incorporated into society without devolving to majoritarianism and populism can ensure more informed policy outcomes.

Simon Hug and George Tsebelis outline four types of referendums based on their work titled *Veto Players and Referendums around the World*. In their model, there are four types of referendums based on how two questions are answered. Namely, who initiates the referendum and who participates in the referendum? Veto players in this framework are those with traditional power mechanisms at their disposal. They are typically members of government. Non-veto players are those do not traditionally participate in the decision-making process. Thus, according to this categorization, the types of referendums are the ones required by law, veto player, popular vetoes, and popular referendums. Identifying the various types of referendums employed by different nations can highlight the relationship between majority and minority groups in those nations.

Before detailing the methodology of this corollary analysis, it is important to understand key aspects of the larger referendum discussion. There is an impressive compendium of research on the subject. Some like Ian Budge found that results of initiatives might be incompatible with individual human rights or might endanger fiscal sustainability. Miachel Zurn has proposed greater use of referendums by incorporating automatic triggers whenever European Constitution changes are recommended. Heidrun Abromeit and Bruce Ackerman have determined research in

³⁹ Vargas, Sylvia R. (1986). Judicial Review of Initiatives and Referendum in Which Majorities Vote on Minorities' Democratic Citizenship. *Ohio State Law Journal* vol. 60:399.

the field of referendums is in serious need of reorientation and “such a reorientation would address more directly how different types of referendums interact with the prevalent forms of representative democracy”.

Other scholars like Schmitter and Riker have less optimistic views of referendums and advocate less use because “ad hoc referendums can be regarded as a particular form of agenda manipulation which aims at reducing, not increasing, the number of issue dimensions in electoral competition”. Additionally, there are those who show referendum inefficiency and introduce paradoxes associated with multi-issue referendums such as Lacy and Niou. Lastly, scholars like Nurmi argue cautious use of referendums. “Taken together, these two arguments imply that referenda are appropriate only in cases where there is a natural way to dichotomize the issue at hand. Moreover, whenever a referendum is called, its result should be binding”.⁴⁰

Many see referendums as an expression of popular will. Others fail to link the two. Referendums have long been vilified by traditional theorists of political science. From California’s repeated state driven initiatives, to Brexit, to Egypt’s recent vote to extend presidential tenure, the social outcome of referendums is often dubious. Farah Mohammed in his contribution to JSTOR Daily explains that, “Proponents contend that referendum campaigns can increase politicization, political knowledge and efficacy, addressing, at least in a small way, the ‘democratic deficit’. On the other side, some worry that referendums might bring out intolerance in mass publics and undermine minority rights.” Mohammed states that referendums make citizens feel “included, powerful, and consulted”.

⁴⁰ Lacy, D., & Niou, E. M. (2000). A Problem with Referendums. *Journal of Theoretical Politics*, 12(1), 5-31.
doi:10.1177/0951692800012001001

Excessive political energy is not always desirable when crafting complex policy. The increased political energy gained from direct referendums do not increase the likely-hood that a socially optimal outcome will occur. “While referendums maximize the number of participants in decision-making, they minimize the quality of participation by preventing voters from coordinating votes and voting issue-by-issue. Legislatures may minimize the number of participants, but they maximize the quality of participation by allowing vote-trading and issue-by-issue voting”.⁴¹

The justification for most referendums strikes at the heart of social choice theory. These methods are implemented because they are believed to reveal exactly “what the people want”. But the people often do not know what they want and it’s of no fault of their own. Dean Lacy and Emerson Niou analyze this question using mathematically-based rational choice proofs in their 1998 paper titled *A Problem with Referendums*. The authors claim that multi-issue direct referendums prevent voters from making informed strategic decisions based on how other voters will decide. Since their decisions depend on how others will respond they often cast votes detrimental to what they would otherwise choose.

When some voters have nonseparable preferences for the issues under consideration, referendums are unable to capture the complexity of those preferences. Referendums are not the embodiment of majoritarian democracy; instead, referendums may produce unstable collective choices that are opposed by a majority of voters or by all voters. . . A referendum may not select a Condorcet winner, and in many cases a referendum will select a Condorcet loser or a unanimous loser⁴²

Brexit is a great example where complex multi-issue policies were impacted by one vote. Should the United Kingdom leave the European Union is a simple question, but the question had multiple elements that impacted the decision. Voters may want new immigration policy but may

⁴¹ IBID, 5

⁴² IBID, 30

not seek any other changes. Leaving the European Union may have been detrimental to numerous voters. Since they can't know what the rest of the voting population will do, the final decision may not be the optimal outcome.

It is an understatement to claim that such an outcome is undesirable. Legislatures permit environments where voters share preferences – enabling voters to make strategic decisions over issues that depend on the outcome of other issues. “People voting on a referendum are forced to cast blind votes that consider neither the outcome of votes on related issues nor the preferences of other voters. Legislatures encourage communication and coordination, forms of political participation often overlooked by proponents of direct democracy, yet these forms of participation are crucial to the selection of optimal social outcomes when people hold nonseparable preferences”.⁴³

The issue of unstable, paradoxical referendum results can be solved by implementing sequential issue decisions or isolating decisions to single-issue, non-complex votes. Both solutions have drawbacks. Sequential referendums can be costly to both voter and the government in time and money. Single issue referendums can run the risk of distilling multi-faceted policy decisions into a binary yes or no decision. Due to these risks, if a direct democracy measure is desired, it would be more prudent to run sequential referendums in mid-sized political environments such as cities and single-issue referendums at the national level.

At the end of this dialogue are several conclusions. The first is that referendums produce results in-line with the median voter theorem. Understanding the theorem is essential to understanding the shortfalls of referendums. “The median voter theorem is perhaps the best-known formal result in political economy and is the foundation of a huge empirical and

⁴³ IBID, 32

theoretical literature. In a pure median voter world, elected officials would adopt the position of the median voter, and their spending decisions would always be approved in referendums”.⁴⁴

The second conclusion is, “that the political effect of referendums and initiatives is not a genuinely positive or negative one, but rather, it depends on the preferences of the median voter”

⁴⁵ In summary, despite their complications, referendums have a central place in democratic society.

[Referendums] act as a check on legislatures and representatives that may have become too entrenched and disconnected from those who they are supposed to represent. Direct democracy is also a vehicle by which the electorate can send messages to their representatives stating that the way that they are conducting the business of government does not meet with the voters' approval. Sometimes, for better or worse, direct democracy broaches subjects that have been taboo with representatives. Lastly, direct democracy is viewed by the people of major Western states as being a vital institution of their civic expression. For these reasons, the institution of direct democracy has a place in democratic lawmaking.⁴⁶

Despite the inefficiency of referendums, the prevailing attitude among political scholars is that they are necessary. It is believed referendums grant both legitimacy and stability for citizens to engage in direct decision-making. Referendums can be held in undemocratic societies, but the existence of referendums has intrinsic democratic value. Additionally, referendums can reveal a strong-preference or correct legislative inefficiency. As Lacy & Niou explain, “The primary weakness of a legislature as a tool of social choice is the likelihood that legislators will vote their own preferences rather than represent the preferences of their constituents. Legislatures are a highly imperfect method of revealing and aggregating social preferences, but they are better than direct voting mechanisms.

⁴⁴ Lars P. Feld, John G. Matsusaka, 2706.

⁴⁵ Hug, S., & Tsebelis, G. (2002) & Bochsler. Veto Players and Referendums Around the World. *Journal of Theoretical Politics*, 14(4), 465-515. doi:10.1177/095169280201400404

⁴⁶ Vargas, Sylvia R. (1986). Judicial Review of Initiatives and Referendum in Which Majorities Vote on Minorities' Democratic Citizenship. *Ohio State Law Journal* vol. 60:399. Page 500.

While research is sometimes conflicted about the prescription for referendum use, there is consensus on one significant fact. This fact is that referendums result in the median voter preference. “On the basis of our model, the introduction of the mere possibility of a referendum shifts the outcomes of legislative politics closer to the median”.⁴⁷ This tendency favors competitiveness in electoral environments. But competitiveness can produce outcomes at odds with what is desirable for the stability of a polity where inclusivity is necessary.

Not every political scholar recommends inclusiveness as an innate government pursuit. It’s self-evident that autocratic governments exclude political participation, but many democracies have exclusionary barriers to political participation as well. The United States and many western nations have historically limited political participation to the elite landowners or Caucasian men. However, according to Seline Shenoy, a diverse and inclusive society offers a variety of benefits that are both politically and economically beneficial. Such environments permit diversity of perspective and reduce tension between minority and majority groups.

Economically, inclusive environments increase productivity since the broadest skillsets throughout the population can be incorporated into the workforce. The Governance, Social Development Humanitarian, and Conflict Organization released a 2015 report that studied the impact of inclusivity on economic growth, health of citizenry, social cohesion, and peace within society. They found higher rates of long-term economic growth when inclusive policies were incorporated in society. Results also found reduced rates of hospitalization due to chronic sickness in countries with widespread policies aimed at inclusion. Further, there is evidence to support the argument that inclusive societies, especially gender focused, have fewer internal and

⁴⁷ Hug, S., & Tsebelis, G. (2002) & Bochsler. Veto Players and Referendums Around the World. *Journal of*

external political conflicts.⁴⁸ With this evidence in mind, it can be asserted that inclusivity is desirable, especially for democratic societies. Referendum use, however, can clash with social cohesion and inclusivity.

The real danger of majority referendums lies in votes excluding minorities from civic life entirely. “Studies show that that group thinking is key and is triggered by these direct democracy initiatives and referendums. Group thinking surfaces because of the way politicians and the media have framed issues. Once group thinking is triggered, minorities become vulnerable to majority ‘backlash’”.⁴⁹ The median voter is, by definition, a majority voter. Because of this fact,

Direct democracy is not problematic merely because mathematics dictates that minorities will lose on many issues, including those issues about which they care the most. Rather, in all the cases that we have reviewed, issues that trigger majority group thinking are issues directly related to a minority group's status in the polity. Thus, majorities vote on the content of minorities' democratic citizenship standing.⁵⁰

This exclusionary lock-out not only hampers inclusivity but incites social instability.

The median voter theorem can result in stable politics, but it has a downside. Majority preferences frequently restrict minority civic rights. This potential outcome conflicts with a key assumption in this thesis which is that societal inclusivity or, at the very least, the ability to preserve political representation is vital to a healthy democracy. Currently, in the United States, when a conflict exists between a minority rights and a majority decision, resolution is handled by the courts. As entities a step removed from the so called “political thicket”, the courts are uniquely situated to serve as vanguards of minority rights that fall under the Fourteenth Amendment and the Equal Protection Clause.

⁴⁸ Governance, social development, conflict and humanitarian knowledge services. (n.d.). Retrieved April 21, 2019, from <https://gsdrc.org/>

⁴⁹ Vargas, Sylvia R. (1986). Judicial Review of Initiatives and Referendum in Which Majorities Vote on Minorities' Democratic Citizenship. *Ohio State Law Journal* vol. 60:399. Page 540.

⁵⁰ IBID, 472

Resolving equal protection under the law and the will of the sovereign is no easy task. *The Judicial Review of Initiatives and Referendums in Which Majorities Vote on Minorities Rights* addresses the issue of majoritarian referendum consequences. “At an aggregate level, minorities "lose" roughly four out of five times. However, on closer examination, the story is more complex. Although antiminority results easily can be triggered by "we-they " group thinking and reflect more subtle expressions of prejudice, they also are vehicles for ideological conflicts. Because the dynamics are complex, but yet can threaten the polity's civic cohesion”.⁵¹ Civic cohesion undoubtedly affects the stability of any polity and especially one as diverse as the United States.

To date, there have been two main solutions for mitigating the negative effects of referendums. Lacy and Niou recommend avoiding multi-issue questions to prevent paradoxes and inefficiencies. Sylvia Varga’s solution to the detriments of referendum repression relies on the courts through a proposed heightened/skeptical judicial review. However, those seeking to mitigate the negatives aspects of referendums need not accept the judiciary as the sole vanguard of civic participation. Another possible solution is to vary the type of referendum used based on the composition of the electorate.

The methodology of this chapter assumes that referendums are the most direct reflection of popular democracy. It also assumes that minority rights are restricted when majorities express unchecked power. Using these assumptions, a comparative dynamic was created to see if frequent use of majority voting power hampers relationships with minorities by testing public attitudes on immigrants. If this is the case, it is expected that higher instances of referendum use lead to reduction in minority/majority relations and lower rates of immigration acceptance. Using

⁵¹ IBID, 1986

and Tsebelis' framework on veto players, referendums in this study were classified based on whether they were conducted and decided by automatic constitutional mechanisms, by the acting government, by a mixture involving the citizens, or by a mixture not involving citizens. Nations employing these four types of referendums were compared to public attitudes toward immigration using data from the World Values Survey. This comparison, while imperfect, captures attitudes toward immigrants that can be closely compared to minority groups. It is recognized that some nations may have great hostility to minority groups and low or high levels of immigration, but this chapter assumes interchangeability of the two groups.

Of the countries Hug and Tsebelis studied, 32 were also included in the World Values Survey. Countries were separated into four referendum codes for ease of classification. The resultant categories had their publicly professed attitudes averaged with a total sample standard deviation of 14.18. Countries included lacking a classification are countries that were not classified by Hug and Tsebelis but were included for regional analysis and comparison. This type of analysis is unique in that it differentiates different types of referendums rather than consider referendums as a singular entity. These cursory results demonstrate that countries employing different types of referendums at the national level have significantly different views toward immigrants when categorized by referendum type. More analysis on this observation could yield beneficial for policy makers in democracies interested in using referendums as a social choice tool. Below is a chart showing the national attitudes toward immigrants and the type of referendum primarily used in the national government.

Figure 2.

Public Attitudes Toward Immigrants versus Referendum Use

Country	Hostile to Immigrant Neighbors	Accepting of Immigrant Neighbors	Type of Referendum Utilized	Referendum Code
Azerbaijan	40.6	59.4	government	2
Argentina	2.8	97.2	government	2
Australia	10.5	89.5	constitution	1
Armenia	18.4	81.6	government	2
Brazil	2.6	97.4	government	2
Belarus	33.4	66.6	combination with people	3
Chile	7.6	92.4	combination without people	4
China	12.2	87.8	-	
Columbia	4.7	95.3	combination with people	3
Ecuador	34.6	65.4	government	2
Estonia	37.5	62.5	-	
Georgia	32.8	67.2	combination with people	3
Germany	21.5	78.5	-	
India	47.1	52.9	-	
Japan	36.3	63.7	constitution	1
South Korea	44.2	55.8	constitution	1
Mexico	11.6	88.4	-	0
Morocco	10.8	89.2	constitution	1
Peru	10.7	89.3	constitution	1
Philippines	14.1	85.9	constitution	1
Poland	7.2	92.8	government	2
Qatar	46	54	-	
Romania	21.3	78.7	constitution	1
Russia	32.3	67.7	government	2
Slovenia	13.6	86.4	combination with people	3
Spain	7.5	92.5	constitution	1
Sweden	3.5	96.5	combination with people	3
Tunisia	18.8	81.2	government	2
Turkey	30.5	69.5	government	2
Ukraine	19.3	80.7	constitution	1
United States	13.6	86.4	combination with people	3
Uruguay	1.7	98.3	combination with people	3
	Constitution	Government	Combination with people	No referendums
Hostile to Neighbors	19.41111111	20.86666667	14.75714286	29.31666667
Standard Deviation	14.18696265			
Sample Average	20.290625			

The data above indicates the average hostility of citizens to immigrants was 20 percent of those polled. Poll size fluctuated close to 1,500 residents with the total polled being 48,774. No nation had a polling population where more than 50 percent were hostile to immigration. Those nations with the lowest hostility to immigrants tended to comprise of Latin American countries: Argentina, Brazil, Chile, Columbia, Uruguay, Peru with several exceptions being Poland, Spain, and Sweden. Countries most hostile to immigrants tend to be those in the Pacific region. Eastern European countries like Russia, Estonia, and Middle Eastern countries like Turkey and Qatar have strong attitudes rejecting immigrants as well.

Countries that do not incorporate referendums at all were the most hostile to immigrants with 29 percent of the public professing to be hostile to immigrants. Referendums that incorporate citizens as both initiators and deciders in referendums had a lower level of hostility to immigrants. Types of governments did not appear to indicate public attitude toward immigrants. Sweden and Qatar had drastically differing attitudes toward immigrants: 3.5 percent to 40 percent hostile with drastically different rates of actual immigration: less than 1 percent of Sweden's 10 million citizen population were immigrants where 94.1 percent of Qatar's 2 million residents were foreign.⁵² Disparities exist between professed governments and actual government composition. Russia and Turkey both profess to incorporate republic forms of government but have strong autocratic elements that make it difficult to classify the countries as democratic. Regardless, each of these countries are more in-line with regional attitudes of immigration.

Interpreting the results further, it is clear this specific analysis is not robust. It measures public acceptance to immigration with a cursory interpretation of what types of referendums are used in each country. It would also be beneficial for those seeking deeper analysis on referendums to conduct longitudinal time studies on specific countries to control for cultural variation and more concretely identify a relationship between minority relationships and referendum use. While the conclusions lack depth, they nevertheless establish an intriguing framework for deeper analysis. Countries that do not use referendums at all tend to be more hostile to minorities. It was expected that higher instances of referendum use lead to reduction in minority/majority relations and lower rates of immigration acceptance. However, based on these

⁵² Governance, social development, conflict and humanitarian knowledge services. (n.d.). Retrieved April 21, 2019, from <https://gsdrc.org/>

results, it is not clear if referendums reduce tension or countries with higher tension avoid referendum use. It also appears that countries where the population is involved in both the initiation and decision mechanisms are the least hostile toward immigrants. A brief comparison of the governmental makeup of the nations in question revealed wide disparity in attitudes to minorities. No link is established between the type of professed government and the population's hostility toward immigrants.

Referendums can and do restrict minority rights. Why citizens in countries that employ referendums are more accepting to immigrants than those that do not is unclear. If a casual connection could be established with future research, these results could lead policy makers to make better prescriptions for referendum use in diverse political environments. Conversely, the results may simply reinforce the fact that political leadership knowingly restrict or prevent referendum use when majority-minority relations are weak to prevent further tensions.

The next portion of this chapter identifies several referendums and national characteristics within the nations holding the referendums. These cases grant insight into national referendums around the world and provide valuable observational data on the relation between minorities and referendums. The countries most hostile to immigrants are Azerbaijan; 40.6 percent, South Korea; 44.2 percent, Qatar; 46 percent, and India with 47.1 percent of those polled expressing hostility to immigrants. The countries most accepting of minorities and immigrants are Columbia; 4.7 percent, Sweden; 3.5 percent, Argentina; 2.6 percent, and Uruguay; 1.7 percent. Of these nations, Azerbaijan, India, Uruguay, and Sweden are analyzed. Two additionally countries, the United Kingdom and Egypt, are also discussed due to their significant global impact.

Beginning with one of the two nations on the forefront international media, Egypt's recent relationship with referendums has been marred by political turmoil. The country has held six significant national referendums in the past twenty years through a revolution and a military coup. In 2005, the ruling president, Hosni Mubarak, called for a referendum on whether the office of presidency should be elected through direct elections instead of the previous method through the People's Assembly. It was not the attempt to employ direct democracy that the opposition vilified but new strict requirements candidates would be required to meet to stand in presidential elections. A 2005 British Broadcasting Center found that turnout for the election was 54 percent and 82 percent voted to approve the change. This referendum set the stage for the 2011 Egyptian revolution which saw the resignation of Mubarak and the election of Mohamed Morsi. After President Morsi attempted to pass a referendum establishing an Islamic leaning government, the military ousted Morsi through a coup d'état led by the minister of defense, General Abdel Fattah El-Sisi.⁵³ A recent 20 April, 2019 referendum called for a change to the four-year maximum term limits and seeks six-year terms instead.

It is important to note that Egypt's demographic composition is particularly monoethnic. Over 99 percent of its population are of Egyptian ethnic decent according to the 2006 CIA World Fact Book. More recent demographics claim 95 percent Egyptian ethnicity with 4 percent Coptic identities. Despite this monoethnic identity, Egypt is particularly welcoming of migrants and refugees. Roughly 120,000 Syrian and up to one million Sudanese refugees reside within Egypt⁵⁴. The Egyptian case enforces the notion that monoethnic cultures may be more accepting

⁵³ Engel, R., & McClam, E. (2013, July 04). Morsi ousted, under house arrest, as crowds celebrate in Cairo. Retrieved from <https://www.nbcnews.com/news/world/morsi-ousted-under-house-arrest-crowds-celebrate-cairo-v19261466>

⁵⁴ Syria Regional Refugee Response. (n.d.). Retrieved April 21, 2019, from <https://data2.unhcr.org/en/situations/syria/location/1>

to immigrants than those with more mixed compositions. It may also serve as a cautionary example of those seeking to establish political legitimacy through the incorporation of referendums. The use of referendums does not in itself create legitimacy.

The most prominent referendum being circulated by the media today is Brexit or the British Exit from the European Union. On June 23, 2016, Prime Minister David Cameron announced to the United Kingdom that the nation would hold a referendum on the fate of its relationship with the European Union. The major issues driving this decision were sovereignty, immigration, and trade. Specifically, the driving issues behind Brexit were immigration from eastern European bloc nations and their ability to obtain state welfare, net payments to the EU's poorer nations, and an inability to negotiate trade terms outside of the Euro bloc. There was also the issue that the European Court of Human Rights continuously prevented deportation of foreign-born criminals.⁵⁵

The Brexit case study adds evidence to support the argument that referendums can produce inefficient outcomes, but another equally important concern is the implication Brexit may have on future policy influenced by populism. There is growing evidence to support the notion that populism is increasing around the world. The disapproval of government authority will always exist, but recent years have shown a growing distrust of "elites". Matthijs Rooduijn explains that highly individualized societies produce more frequent populist leaders.

Additionally, populist leaders tend to be elected more when a perception that leading political

⁵⁵ Adam, K., & Booth, W. (2018, November 16). Immigration worries drove the Brexit vote. Then attitudes changed. Retrieved from https://www.washingtonpost.com/world/europe/immigration-worries-drove-the-brexit-vote-then-attitudes-changed/2018/11/16/c216b6a2-bcdb-11e8-8243-f3ae9c99658a_story.html?noredirect=on&utm_term=.1ce61eacd5b3

parties share similar ideologies. These examples, however, pale in comparison to 2016 research conducted by Pippa Norris and Ronald Inglehart.

Trump, Brexit, and the rise of Populism: Economic have-nots and cultural backlash

identified the ideological location of 268 political parties in 31 European countries and examined data collected from the 2002-2014 European Social Survey. Norris and Inglehart were able to identify consistent trends showing an increase in the amount of populist leaders. “Across Europe, as we will demonstrate, their [populist party] average share of the vote in national and European parliamentary elections has more than doubled since the 1960s, from about 5.1 percent to 13.2 percent at the expense of center parties”. There are two competing theories for why populism exists. The first is based on the belief that economic insecurity has caused backlash. The second is that a cultural backlash to progressivism is occurring. Modernization from the 20th century has created a range of social issues. According to the economic inequality theory, economic insecurity and growing inequality have led lower-strata society members who have not benefited from globalization to distrust traditional political parties. These citizens, it is believed, are “more susceptible to anti-establishment, nativist, and xenophobic scare-mongering”. The cultural backlash theory holds that previously politically dominant segments of society have recognized a decreasing trend in their political strength and are seeking to reestablish traditional power mechanics.

Stronger evidence exists supporting the cultural backlash theory. The European Social Survey result beliefs corresponded with the growth of populist parties. If the cultural backlash theory is correct there should be an increase in support of populist parties from older generations, white men, under educated, ethnic majorities, and those who are religious. Norris & Inglehart’s

results demonstrated a greater connection between these factors and populism than economic inequality alone. This theory can help explain why populism is on the rise globally. This type of analysis is especially useful because most scholars focus their study of populism too narrowly. “Nation-specific events such as these are proximate causes that help explain why things worked out as they did within a given country—but they do not explain why the vote for populist parties across many countries has roughly doubled in recent decades. By analyzing broad trends, a more compelling argument can be made for increasing trend of populism.

Regardless of the cause of populist trends, Brexit has been the most prominent example of a referendum in recency. It showcased how complex, multi-issue policy decisions can result in contrary or undesirable results in accordance with Lacy & Niou. It also highlighted the importance of information campaigns during referendums in mobilizing support and the challenge of conveying complex information to numerous parties.

Azerbaijan has had different challenges than the United Kingdom in its referendum use. It is the fourth most hostile nation in the study to immigrants and held a Constitutional amendment referendum in 2016. Of the 27 amendments proposed, 25 were passed with over 90 percent approval and all were passed resoundingly. The amendments lengthened the presidential term limit from five to seven years and removed the age limit to become president. “A further proposal empowers the president to schedule an early presidential election and dissolve parliament if twice in one-year legislators pass no-confidence measures in the government or reject presidential nominees to key government posts”.⁵⁶

⁵⁶ Rfe/rl. (2016, September 26). Azerbaijan Holds Controversial Constitutional Referendum. Retrieved from <https://www.rferl.org/a/azerbaijan-referendums-constitutional-changes-aliyev/28012681.html>

Before the collapse of the Soviet Union and the Nagorno-Karabakh War, Azerbaijan comprised of over 15 significant ethnic groups. However, in the 2006 Census, it was reported that only 8.9 percent of the country consists of minority ethnic groups.⁵⁷ This drastic ethnic change highlights potential issues with referendum use. According to the European Commission against Racism, “In general, there is a lack of awareness on the part of the Azerbaijani population of the problem of racism and intolerance in Azerbaijan and of the relevant existing criminal, civil and administrative law provisions aimed at combating such phenomena”.

The Azerbaijan case is challenging when considering referendum impacts on minority groups. Azerbaijan has exhibited a shift toward autocratic rule that conflict with the democratic nature of referendums. “Azerbaijan’s election commission ignored its own requirements by accepting the results of the September 26 referendum despite well-documented ballot stuffing, the detention of people protesting the procedures, and other serious irregularities,” said Robert Herman, vice president for Freedom Houses’ international programs. “The government showed its disregard for the fundamental rights of its citizens”. The 2016 referendum may have highlighted ethnic schisms, but the overall trend of voter fraud remains significantly more concerning. However, this examples demonstrates a nation with a troubled ethnic past (i.e. the ethnic Nagorno-Karabakh War) utilizing referendums to enhance exclusionary policies.

India is perhaps one of the most ethnically diverse nations on earth. The U.S. Department of State has written that over two thousand ethnic groups exist within the country. All major religions are represented as well as dozens of languages. Consequently, and as a result of the nation’s complex racial history, the Indian government discourages classifications or collection

⁵⁷ IBID

of data along ethnic lines.⁵⁸ Of the 4,000 Indians polled, over 47 percent were hostile to immigrants and minority groups. This hostility, however, may be more correlated with the small tribal and ethnic categories and castes in which Indians often associate than with national anti-racial sentiments.

Only six referendums have been held in India through its post-colonial history.⁵⁹ The last was the 1967 referendum asking the province of Goa if they wanted to remain a Union territory or be merged with Maharashtra. Prior to the Goa, the decision of how to handle the territories of Hyderabad, Kashmir, and Junagadh existed. This referendum set the stage for future border disputes between Pakistan and India over the Kashmir territory. The consensus among Indian policy makers (and the Indian Constitution that prohibits referendum votes on policy issues) is that India cannot afford to implement referendums. It is believed the fractured ethno-religious and social caste differences among Indians today would be disastrous for stable policy.⁶⁰

One nation that has little trouble implementing referendums is Uruguay. It was one of the nations that reported remarkable acceptance to immigrant and minority groups with only 1.7 percent of respondents expressing hostility to minority groups. The nation has three main ethnic groups. White is reported at 88 percent, Mestizo at 8 percent, and Black as 4 percent of the population.⁶¹ It had a history of colonial rule from the Portuguese and British rule until 1830.

⁵⁸ Jayant - India. (2012, April 12). Retrieved April 20, 2019, from <https://web.archive.org/web/20120618165336/http://www.state.gov/r/pa/ei/bgn/3454.htm>

⁵⁹ Daniyal, S. (2017, January 03). With Brexit a reality, a look back at six Indian referendums (and one that never happened). Retrieved from <https://scroll.in/article/810564/with-brexite-a-reality-a-look-back-at-six-indian-referendums-and-one-that-never-happened>

⁶⁰ India. (2012, April 12). Retrieved April 20, 2019, from <https://web.archive.org/web/20120618165336/http://www.state.gov/r/pa/ei/bgn/3454.htm>

⁶¹ The World Factbook: Egypt. (2018, February 01). Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>

The nation has recently been democratically ruled since General Gregorio Álvarez relinquished control to civilian held elections in 1984.⁶²

Despite Uruguay's complex political history, it has a track record for supporting labor and human rights. "According to the International Trade Union Confederation, Uruguay has become the most advanced country in the Americas in terms of respect for fundamental labour rights, in particular freedom of association, the right to collective bargaining and the right to strike".⁶³ The most notable aspect of Uruguay's social history is that its racial composition remains relatively stable. Only 2.2 percent of its population consists of recent immigrants, roughly 77,000 of its 3.5-million-person population. Additionally, Uruguay has held 23 referendums, since 1917. The most recent was a citizen launched initiative to move the criminal age of citizens from 18 to 16.⁶⁴ Very few referendums have been enacted in Uruguay despite Constitutional provisions allowing their use. A clear trend among Uruguay's elections is that they appear to follow Lacy and Niou's 1998 recommendation that referendums be limited to single-issue policy decisions. The majority of the 23 referendums have been relatively straightforward questions despite their national impact.

The Swedish government, like India, does not collect official statistics on ethnicity. The 2017 CIA World Factbook has categorized Swedish ethnic groups to 81.5 percent Swedish, 1.7

⁶² (n.d.). Retrieved from <http://countrystudies.us/uruguay/22.htm>
U.S. Library of Congress

⁶³ *The Right to Strike and the ILO: The Legal Foundations* (pp. 1-122, Rep.). (2014). International Trade Union Confederation.
https://www.ituc-csi.org/IMG/pdf/ituc_final_brief_on_the_right_to_strike.pdf

⁶⁴ Sharnak, D. (2014, July 8). Conservatives in Uruguay Want to Put More Youth in Prison. Civil Society is Saying No. Retrieved from <https://nacla.org/news/2014/7/8/conservatives-uruguay-want-put-more-youth-prison-civil-society-saying-no>

percent Syrian, 1.4 percent Iraqi, 1.5 percent Finish, and 13.9 percent other (primarily nomadic ethnic groups in the norther regions of the country). The ethnic/cultural differences are minimal between Swedish-Finns along border areas and a significant portion of the population is the result of acceptance of Middle Eastern immigrants. Sweden incorporated aspects of social democracy into its political institutions well before the 20th century. However, its entire recorded history began roughly after 1,000 A.D. with the recession of the polar ice caps. After a short foray with Imperial pursuits, Sweden withdrew and maintained a relatively neutral stance toward political dynamics in the European continent⁶⁵. Consequently, its political climate has lacked the turmoil witnessed in older, warmer regions.

Only six national referendums have been held in Swedish history. The first was the rejection of alcohol prohibition, the second involved voting to continue driving on the right side of the road, the third was for a tax funded pension system, the fourth was to reject nuclear power as a viable energy source, the fifth was to join the European Union, and the sixth established the Euro as the national currency. ⁶⁶ Each of these referendums, save for entrance to the European Union, had simple questions and simple ramifications. Sweden, as it has already been mentioned, has a monoethnic demographic. Sweden adds credence to the belief that monoethnic nations are more likely to profess acceptance of minorities than those who are more diverse.

These case studies provide interesting context to the incorporation of referendums. The nations in this study that used referendums the most were those in a transitory state from autocratic to more democratic rule. Nations with a long history of democratic rule appear to use

⁶⁵ History of Sweden – more than Vikings | Official site of Sweden. (2016, June 21). Retrieved from <https://sweden.se/society/history-of-sweden/>

⁶⁶ IBID

referendums less frequently and those referendums tend to be focused on single policy issues. Most referendum case studies have focused on nations that have a long history of use. An equally important area of study could be research conducted on nations with emerging referendum use. Such research could resolve the question of whether nations forgo referendum use because they fear the impact of direct democracy or if nations see improvement in public attitudes toward inclusivity when they incorporate referendums in governance.

Research on referendums is thorough and voluminous. However, little energy has been devoted toward differentiating the types of referendums and the subsequent impact each might have on a polity. This chapter scratches the surface of this endeavor by identifying modest corollary relationships between referendums and social attitudes toward minorities and immigrants. Through several case studies, additional trends have been identified. Monoethnic groups appear to be more accepting to immigrants, referendum use alone does not legitimize outcome, and a contentious relationship exists between referendums and populist tendencies. Future research should engage in more robust statistical analysis of specific referendums as well as isolate variables in outlier nations that cause extreme variation in minority acceptance from the median international attitude.

Figure 3.
World Values Survey: Is having an immigrant neighbor acceptable?

	TOTAL	Country Code				
		Azerbaijan	Argentina	Australia	Armenia	Brazil
Mentioned	22.3%	40.6%	2.8%	10.5%	18.4%	2.6%
Not mentioned	77.7%	59.4%	97.2%	89.5%	81.6%	97.4%
(N)	(48,774)	(1,002)	(1,030)	(1,477)	(1,100)	(1,486)
	Country Code					
	Belarus	Chile	China	Colombia	Ecuador	Estonia
Mentioned	33.4%	7.6%	12.2%	4.7%	34.6%	37.5%
Not mentioned	66.6%	92.4%	87.8%	95.3%	65.4%	62.5%
(N)	(1,535)	(1,000)	(2,300)	(1,512)	(1,202)	(1,533)
	Country Code					
	Georgia	Germany	India	Japan	South Korea	Mexico
Mentioned	32.8%	21.5%	47.1%	36.3%	44.2%	11.6%
Not mentioned	67.2%	78.5%	52.9%	63.7%	55.8%	88.4%
(N)	(1,202)	(2,035)	(4,078)	(2,443)	(1,200)	(2,000)
	Country Code					
	Morocco	Peru	Philippines	Poland	Qatar	Romania
Mentioned	10.8%	10.7%	14.1%	7.2%	46.0%	21.3%
Not mentioned	89.2%	89.3%	85.9%	92.8%	54.0%	78.7%
(N)	(1,200)	(1,210)	(1,200)	(966)	(1,060)	(1,503)
	Country Code					
	Russia	Slovenia	Spain	Sweden	Tunisia	Turkey
Mentioned	32.3%	13.6%	7.5%	3.5%	18.8%	30.5%
Not mentioned	67.7%	86.4%	92.5%	96.5%	81.2%	69.5%
(N)	(2,494)	(1,069)	(1,189)	(1,206)	(1,205)	(1,605)
	Country Code					
	Ukraine	United States	Uruguay			
Mentioned	19.3%	13.6%	1.7%			
Not mentioned	80.7%	86.4%	98.3%			
(N)	(1,500)	(2,232)	(1,000)			

Selected samples: Argentina 2013, Armenia 2011, Australia 2012, Azerbaijan 2011, Belarus 2011, Brasil 2014, Colombia 2012, Chile 2012, China 2013, Ecuador 2013, Egypt 2013, Estonia 2011, Georgia 2014, Germany 2013, India 2012, Japan 2010, Mexico 2012, Morocco 2011, Peru 2012, Philippines 2012, Poland 2012, Qatar 2010, Romania 2012, Russia 2011, Slovenia 2011, South Korea 2010, Spain 2011, Sweden 2011, Tunisia 2013, Turkey 2012, Ukraine 2011, United States 2011, Uruguay 2011

Chapter 4

POLITICAL REPRESENTATION'S EFFECT ON HAPPINESS

It should seem intuitive that structural mechanisms involved in an election process can affect the happiness of voters. What is less intuitive is the extent of the impact each type of election process may have on the happiness of the electorate. This leads to the discussion of what components are most desired. What is an ideal voting system in a representative democracy? Which system might provide the greatest happiness? These philosophical normative follow-up questions are challenging to address due to their intangible nature but deserve as much attention as quantitative research endeavors.

Before going further, happiness must be discussed. Like democracy, happiness is one of the more subjective political concepts. Skeptics might ask if political systems and happiness are related to the extent that they can be measured or if a link should be sought at all. But consider one of the most powerful documents in American political government on the topic -- The Declaration of Independence. It proclaims, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." The pursuit of happiness was considered a fundamental human right by thinkers of the Enlightenment and by many scholars today. I ask what political structures do the most to achieve this aim.

This chapter tackles the topic of voting systems around the world with a utilitarian based perspective. It deviates from other ethical philosophies in that it intentionally avoids a normative "ought to" approach. It also remains silent on multi-party systems. I do this because the United States uses winner-take-all elections and I want to discover an improved winner-take-all election

system as an alternative. It is not my desire to demonstrate the most desirable model based on broad, universally accepted axioms, but to go straight to the topic of happiness itself. It is my belief that excessive energy has been devoted to the theoretical concepts of axiom violation and not enough to the impact a voting system has on the electorate.

Because of the intangible nature of happiness, this endeavor largely rests upon how happiness is defined. In this case, I have used the Global Happiness Organization's metric. The index produced by the organization encompasses per capita GDP, social support services, life expectancy at birth, freedom to make life choices, generosity, and perceptions of corruption. Some might not appreciate such an explicit definition and instead prefer more open-ended concepts, but the Global Happiness 2017 study found that three quarters of global national deviations between their data came from these categories – a fact that cannot be ignored.⁶⁷ This variation is why I selected this index to define happiness. An all-encompassing definition of happiness weakens its ability to discern direct causal links between voting systems and more defined elements of happiness. The benefit to this approach, however, is that it establishes a framework for evaluating future voting systems and utilizes widely available national election data. It also provides a roadmap to focus future correlation studies. Happiness is the answer. The question is, what factors affect happiness the most and which systems are the most conducive to the answer?

Why use a utility-based approach? It can be problematic to focus on utility too narrowly. After all, the Paradox of Voting, where the act of voting appears irrational arrives when using

⁶⁷ Helliwell, John, Richard Layard, and Jeffrey Sachs. "World Happiness Report." World Happiness Report. Sustainable Development Solutions Network, 2017. Accessed October 2017. <http://worldhappiness.report/wp-content/uploads/sites/2/2017/03/HR17.pdf>

utilitarianism too narrowly.⁶⁸ But this paper does not focus on specific issues that arise when using this approach. Instead, it uses the overarching concept of being able to quantify happiness as a metric on a methodological basis. Skeptics of utilitarianism believe it is ill-suited to solve social issues. My response to this criticism is that I agree that utility models alone are insufficient for policy making. But when coupled with traditional success metrics, (such as PPC GDP or life expectancy), these models are the best tools for problem solving. I define utility as a quantifiable measure of happiness from maximum to none and express it as a percentage.

While my approach is not axiomatic, it is still important to provide a theoretical framework for what might lead to greater happiness and demonstrate where most of the discussion has revolved. It is theorized that electorates are happier when they have political institutions that guarantee universal rights, provide competitive and transparent elections, are represented based on belief of consent of the governed, and allow participation in elections.⁶⁹⁷⁰ Democracies with these components likely contain happier voters.

Using a structural overview of voting systems leads to a more sound, long-term approach to voting system selection but “much of the literature on voting theory (and, more generally, social choice theory) is focused on so-called axiomatic characterization results”.⁷¹ Regardless, it is necessary to understand these axioms even with a happiness focused approach. While Ideal voting criteria are open to debate, there are several criteria that are commonly accepted in three or more-person elections. These axioms are believed to be necessary for any multi-candidate election system: unrestricted domain, unrestricted range, always a winner, the Condorcet Win

⁶⁸ Feddersen, Timothy J. "Rational Choice Theory and the Paradox of Not Voting." *The Journal of Economic Perspectives* 18, no. 1 (2004): 99-112. <http://www.jstor.org/stable/3216877>.

⁶⁹ Diamond, Larry. "Some Basic Principles of Democracy." *Democracy Education*. Stanford University, November 2004. Accessed October 2017. <https://web.stanford.edu/~ldiamond/iraq/DemocracyEducation0204.htm>.

⁷¹ Ibid

Criterion, independence of irrelevant alternatives, non-dictatorship, majority rule, and monotonicity.⁷² It is largely accepted that whatever voting system a political body chooses to implement, an ideal voting criterion will be violated. To better understand the imperative of relaxing a certain criterion and resulting implications to the electorate, it is necessary to understand exactly what each means to any system.

Non-dictatorship is likely the most important axiom for the existence of democracy. Democracy and dictatorship are, by definition, incompatible. The criterion specifies that no one voter can or should be able to determine the outcome of the election. This axiom can be paired with the always a winner criterion due to its near self-evident nature. Always having a winner as a criterion seems like an obvious choice to include in a voting system but some methods, like the Condorcet Method, can produce indeterminate results. Despite its mathematical soundness, Condorcet elections can result in paradoxes where “circular” elections occur such that: $A > B > C > A$. The ineffectiveness and instability such a failure would create is largely agreed to be undesirable. Of all the criterion, these two are the least controversial. They are believed to be fundamental to any democratic voting system.

The Condorcet Win Criterion is a condition where a candidate would always win when placed in a one on one match up with another candidate.⁷³ A voting system meets this criterion if the winner would also beat every other candidate in a one on one face-off. This concept is incredibly compelling and arguably creates the most mathematically sound voting system. The

⁷² Arrow, Kenneth J. “A Difficulty in the Concept of Social Welfare.” *The Journal of Political Economy* 58, no. 4 (August 1950): 328–46. [http://links.jstor.org/sici?sici=0022-3808 percent28195008 percent2958 percent3A4 percent3C328 percent3AADITCO percent3E2.0.CO percent3B2-R](http://links.jstor.org/sici?sici=0022-3808%28195008%2958%3A4%3C328%3AADITCO%3E2.0.CO%3B2-R)

⁷³ Pacuit, Eric. "Voting Methods." *Stanford Encyclopedia of Philosophy*. August 03, 2011. Accessed December 2, 2017. <https://plato.stanford.edu/entries/voting-methods/>.

issue with this process is that elections conducted in this manner tend to violate the concept of always producing a clear winner.

Proponents of alternative voting systems are more effective at persuasion when they convince citizens their models comply with the “fairness” aspect of Condorcet Winners without the same indeterministic outcomes. It is also believed that strategic voting in a Condorcet Method might lead to vote burying – a method of falsely voting in an opposition front runner that is less desirable. This type of strategic voting would lead to more common indeterminate results and other systems would be required to find resolution.⁷⁴ Some scholars assert that systems like instant run-off voting elect the true Condorcet Winner most of the time. When it comes to vote burying, systems like instant run-off elections may, “ironically, elect true Condorcet Winners more often than Condorcet processes alone.”⁷⁵ This criterion is also heavily tied to the concept of majority rule since the definition of Condorcet Winner is the winner of a binary election in one on one match ups. If the voting system satisfies the Condorcet Criterion, then the majority candidate must be the winner. This says that the candidate who has more than 50 percent of 1st-place votes is the winner”.⁷⁶

Conforming with the independence of irrelevant alternative axiom means that adding additional candidates that appear like a voter’s ideal choice would not cause the primary candidate to lose. This failure is seen in current plurality voting systems where similar third-party candidates “steal” votes from comparable candidates. This leads to less preferred candidates winning the election. The desire of electorates to obtain systems that meet the

⁷⁴ "FairVote.org | Why I Prefer IRV to Condorcet." FairVote. Accessed November 15, 2017. <http://archive3.fairvote.org/articles/why-i-prefer-irv-to-condorcet/>.

⁷⁵ Ibid

⁷⁶ "Voting Fairness Idea: Condorcet Criterion (CO)." Accessed November 20, 2017. <http://ms.uky.edu/~csima/ma111/VotingLecture10.pdf>.

independence of irrelevant alternatives is clear. There is an expansive amount of public opinion articles on desire to vote for third parties. Op Ed articles from contributors like Adam Ulbricht have declared statements such as, “I don’t know about you, but I’m tired of the status quo. I’ve finally had enough of picking the lesser of two evils, recognizing that you’re still picking evil”.⁷⁷ This sentiment is common in locations with plurality elections and demonstrates clear awareness of this axiom’s issues.

The axiom of majority rule states that if a candidate is preferred by over 51 percent of candidates, then that candidate should win. This is a surprisingly contested axiom. Majority rule is thought to be vital to the health of any democracy, but some systems focus on magnitude of desire rather than binary output.⁷⁸ This is a central argument of utilitarian rather than majoritarian thought. A utilitarian election process might allow a plurality loser to win an election given the overall feeling of the electorate. For example, only 39 percent of the population may have voted for a candidate over another who received 40 percent first place votes. A system that allows for votes along a range might permit the electorate to express stronger overall desire for the candidate who received less first-place votes but also happens to be amenable to a greater number of voters. This axiom may appear to violate traditional notions of democracy, but would likely be more expressive.

Monotonicity is an axiom stating that ranking a preferred candidate better should not cause them to lose and ranking them lower should not cause them to win. This seems intuitive, but it is possible to violate in instant-runoff elections where voters are aware that their candidate does not have a majority of votes in the first round and will likely lose a second round. By voting

⁷⁷Ulbricht, Adam. "It's time to vote third party." USA Today. November 07, 2016. Accessed December 4, 2017. <https://www.usatoday.com/story/opinion/2016/11/07/s-time-vote-third-party/93306900/>.

⁷⁸ "Majority Rule/Minority Rights: Essential Principles." Majority Rule/Minority Rights: Essential Principles | Democracy Web. Accessed December 5, 2017. <http://democracyweb.org/majority-rule-principles>.

strategically (voting their candidate down to help a weaker candidate) these voters can force the elimination of the biggest threat in the first round to defeat a weaker candidate in the second round. This type of strategic action in ranked voting systems is what I believe to be their greatest weakness. Elections with high instances of strategic votes might mirror similar levels of dissatisfaction as plurality systems.

Majority rule and monotonicity are the two criteria that I theorize to be the least necessary for a healthy democracy of the axioms presented. Crispin Allard, a member of the counsel for Electoral Reform Society, has argued, based on a mathematical model that the probability of monotonicity failure actually changing the result of an election for any given constituency would be 1 in 4000; however, Lepelley found a probability of $397/6912 = 5.74$ percent for 3-candidate elections.⁷⁹ What this means is that election systems such as ranked or instant-runoff elections might violate monotonicity, elect the incorrect candidate or have a failure rate of six percent in a worst-case scenario. This might seem high and it certainly is. It would mean these systems would have failure rates of one in every sixteen elections, but it should not be forgotten that researchers like Dr. Warren Smith believe failure rates of current plurality systems to be approximately one in eight which is more than double the six percent figure.⁸⁰

These axioms are the most commonly theorized requirements for an ideal voting system. Kenneth Arrow's famous impossibility theorem demonstrated that "when voters have three or more distinct alternatives (options), no ranked voting electoral system can convert the ranked preferences of individuals into a community-wide (complete and transitive) ranking while also

⁷⁹ Lepelley, Dominique, Frédéric Chantreuil, and Sven Berg. "The likelihood of monotonicity paradoxes in run-off elections." *Mathematical Social Sciences* 31, no. 3 (1996): 133-46. doi:10.1016/0165-4896(95)00804-7.

⁸⁰ Smith, Warren D. "Ants, Bees, and Computers agree Range Voting is best single-winner system." April 24, 2007. Accessed November 1, 2017. <http://rangevoting.org/WarrenSmithPages/homepage/naturebees.pdf>.

meeting a specified set of criteria: unrestricted domain, non-dictatorship, Pareto efficiency and independence of irrelevant alternatives “.⁸¹ Additionally, the “Gibbard–Satterthwaite theorem shows that any meaningful ranked voting system is susceptible to tactical voting or manipulation of voting schemes”.⁸² Because of these conclusions, research to date has focused on which criteria to relax to advocate alternative voting systems.

A different way to think about the failure of elections and how important it is to take corrective action is to think of the failures like a compounding inefficiency tax. Taxes, while necessary for governance, create inefficiencies in markets. Correcting these inefficiencies has the potential to create unforeseen dividends.

Suppose, thanks to a poor voting method, our elections 5 percent of the time make avoidable bad decisions. That has an effect analogous to a 5 percent tax on society. Unlike a real tax, though, this tax does not get used for any useful purpose, it just gets wasted.... Over time, that 5 percent keeps adding up and up. After a century of annual compounding, 5 percent interest would represent a multiplicative factor of 132. That is, your country, by the trivially easy move of adopting (versus not adopting) a better voting method, would under this estimate be one hundred and thirty two times richer. If however this 5 percent bad-decision rate were only equivalent to a 1 percent tax, then we'd only get 2.7 times richer. Either way, this is a massive improvement for very little effort.⁸³

Thinking of election inefficiencies in this manner demonstrate how serious an inefficiency can be overtime. Time can compound more than just money.

A key argument against the stringent use of majority rule is that it doesn't discriminate desire. Current, single-winner elections are binary. The candidates either receive “yes” or a “no” but a non-binary based system could show how strongly a candidate is preferred. Smith critiques binary systems by stating, “The answer is that voter majorities (and the Cordorcet winner CW) can be wrong! If 51 percent of the voters think A is better by 1 utility unit, while 49 percent think

⁸¹ Arrow, Kenneth J. "A Difficulty in the Concept of Social Welfare." *Journal of Political Economy* 58, no. 4 (1950): 328-46. doi:10.1086/256963.

⁸² *Econometrica*. 41 (4): 587–601. doi:10.2307/1914083. JSTOR 1914083

⁸³ Bayesian Regret for dummies". *RangeVoting.org - Bayesian Regret*. Accessed December 16, 2017. <http://rangevoting.org/BayRegDum.html>.

B is better by 97 utility units, then majority vote will elect the wrong candidate: A.”⁸⁴ This type of system is used by companies like Netflix and Amazon where voters are permitted unlimited amounts of votes and discriminate scores. Products sold by these companies are then given aggregate scores that provide greater accuracy. This practice is susceptible to extreme forms of strategic voting, but better products typically have higher scores. The process also assumes a large enough sample of voters exists. This type of voting is arguably one of the more efficient types of winner-take-all voting processes.

Knowing the axiomatic affects involved in voting systems should direct research but that alone is insufficient without a review of the most prominent voting systems and their alternatives. Currently, the United States employs first past the post or plurality voting for its national elections. It’s simple and easy to understand. Only one candidate can win and a single candidate is elected. Each voter has one vote and that vote can only go to one candidate. The drawbacks to first past the post systems are that it can result in the winner taking a plurality vote instead of a majority (> 50 percent), it results in a strategic voting (choosing the least preferred candidate in this case rather than a preferred candidate), and is susceptible to the third-party spoiler effect – also known as violating independence of irrelevant alternatives. Plurality voting creates a competitive election process where the winner should win by large margin, but this fact is negated using the electoral college.⁸⁵ These conflicting tensions may lead political scholars to suggest an alternative voting system that resolves the tension. The most promising alternatives to plurality voting that meet most axiomatic criteria are approval, range, and ranked choice/instant-runoff voting.

⁸⁴ Smith, Range p.21

⁸⁵ Norris, Pippa. "Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems." *International Political Science Review* 18, no. 3 (1997): 297-312. doi:10.1177/019251297018003005.

Approval voting is a winner-take-all voting process that places no restrictions on the number of votes given. The winner is the candidate with the most votes. This type of process is more expressive, removes the spoiler effect, removes the benefit of strategically voting against a favored candidate, is simpler to understand than more complex systems, and tends to produce a Condorcet Winner.⁸⁶ More expressive systems can be valuable for maintaining a healthy amount of competition. Parties believed to have little to no support often fail to grow. A more accurate public representation of a party's status (popularity) is valuable with approval systems.⁸⁷ It may seem paradoxical but implementing this type of system may benefit both major and minor parties. By removing the spoiler effect, large parties need not fear third party candidates "stealing" votes. Voters can also support and grow lesser parties without the fear of benefiting their less desired candidates.⁸⁸

Range voting is also a winner-take-all voting process. It almost exactly mirrors approval voting but allows voters the opportunity to discriminate desire. Instead of a binary 0 or 1 for as many candidates as they wish, voters are given a predetermined range to choose. Each candidate can be given a different value based on how strongly they desire the candidate. Voters that don't put any number for a candidate would not affect that candidate's score and a predetermined minimum number of votes would be needed for a candidate to achieve victory to prevent unknown candidates from winning. This type of system carries all the benefits of approval voting

⁸⁶ "Approval Voting." The Center for Election Science. November 03, 2017. <http://www.electology.org/approval-voting>.

⁸⁷ Alós-Ferrer, Carlos, and Đura-Georg Granić. "Two field experiments on Approval Voting in Germany." SpringerLink. June 11, 2011. <https://link.springer.com/article/10.1007/s00355-011-0550-5>.

⁸⁸ "Approval Voting Is Better for both Major AND Minor Parties." The Center for Election Science. October 26, 2015. Accessed December 6, 2017. <http://www.electology.org/approval-voting-better-both-major-and-minor-parties>.

systems but goes further by allowing voters to express magnitude of desire. However, opponents of range voting have questioned its constitutionality.

The U.S. Supreme Court made the “one person one vote” rule explicit in *Reynolds v. Sims* (377 U.S. 533- 1964). The rule stated that no vote should count more than any other so that it has unequal weight. This unequal weight would violate the Equal Protection Clause of the Constitution. And it was *Baker v. Carr* (369 U.S. 186) that extended the Equal Protection Clause to districting issues. In *Reynolds*, the state of Alabama set up its districts so that they varied wildly in population. The districting was so bad that it gave some voters’ ballots as much as 41 times more weight than others. Because the weights of the ballots were different between districts, that violated the “one person one vote” rule.⁸⁹

The key response to this decision is that all voters have opportunity of access to equal political representation – not necessarily that each vote needs to match one representative. The advocates at the Range Voting Organization have gone as far as to argue the founding fathers personally knew Condorcet and appreciated his political ideas. This is why, they postulate, the Constitution itself is agnostic on which type of voting system Americans should use.⁹⁰

Utilitarian voting systems often fail the majority rule criteria. A different way to view this argued weakness is by viewing these systems as maximizing overall happiness at the expense of potential plurality dissatisfaction. The largest issue with such a system is its violation of binary majoritarian rule. It is unlikely that such systems will see widespread public support without existing models to emulate.

The third major alternative to plurality voting is ranked voting with single-transferable votes. This system is more complex than the two mentioned in its implementation. Voters rank all the available candidates. The votes are tallied, and the loser is eliminated. All voters that had chosen that candidate have their number two vote become their number one vote until a majority winner is chosen. The benefit to this system is that it more accurately reflects the will of the

⁸⁹ RangeVoting.org - constitutionality of voting systems. <http://rangevoting.org/ConstVt.html>.

⁹⁰ Ibid.

electorate. It also eliminates the spoiler effect that is so derided in plurality systems. Additionally, it is used in cities across the United States like Minneapolis, St. Paul, San Francisco, Cambridge, and Tacoma Park, Maryland. The downside to such a system is the complexity of conducting multiple vote counting interactions. The elimination process complicates the election and can potentially cast doubts on result legitimacy.

The two most promising voting systems are approval and range voting with ranked/instant-runoff being a close third. The Range Voting Center recommends approval voting “in situations where simplicity and speed are paramount” and range voting where the highest accuracy is desired. It should also be noted that the American Mathematical Society and American Statistical Association, use approval voting to elect officers.⁹¹

Since 2012, the Global Happiness Organization has published the World Happiness Index Report to promote global happiness using utilitarian ethics. They have isolated the six most significant variables responsible for worldwide happiness variation.⁹² The report encompasses up to 105 nations around the world. I created geographic groupings from these nations to minimize the impact of cultural variation. It is not difficult to contrast the differences between nations on differing continents. Demonstrating differences between Ethiopia and Canada might do little to convince skeptics that election systems are the reason Ethiopians are less happy than Canadians. However, comparing nations that are collocated and have similar cultural/historical heritage creates far more credible results. Differences in happiness with culturally similar countries could very well be explained by election systems. This type of comparative analysis is used often by

⁹¹ Gurstelle, William. "The Way We Vote Is Terrible. Here's Why." Popular Mechanics. November 14, 2017. <http://www.popularmechanics.com/technology/a23629/better-ways-to-vote/>.

⁹² Helliwell et al

researchers studying topics with variables not easily isolated. The goal is to minimize the variables to the max extent possible.

The groups I created are North America, South America, Western Europe, Eastern Europe, the Nordic States, Asia, Africa, and the Middle East. The groupings are not all inclusive and only contain nations within the World Happiness Report.

Figure 4.
National Happiness Indexes

Data Cell groupings:

North America		Variance	Average
USA (plurality)	6.993	0.136866333	6.962333333
Canada (plurality)	7.316		
Mexico (plurality)	6.578		

Nordic		Variance	Average
Sweden (party list)	7.284	0.011968917	7.44475
Denmark (party list)	7.522		
Finland (party list)	7.469		
Iceland (plurality)	7.504		

South America		Variance	Average (party list)
Argentina (party list)	6.599	0.143490268	6.192888889
Bolivia (party list)	5.823		Average (plurality)
Chili (party list)	6.652		5.3715
Brazil (party list)	6.635		
Columbia (party list)	6.357		
Ecuador (party list)	6.008		
Peru (party list)	5.715		
Venezuela (plurality)	5.25		
Uruguay (party list)	6.454		
Paraguay (plurality)	5.493		

Africa		Variance	Average (party list)
Algeria (party list)	5.872	0.2640372	5.1532
Libya (party list)	5.525		Average (plurality)
Nigeria (plurality)	5.074		4.8915
Somalia (IRV)	5.151		
Sierra Leone (plurality)	4.709		
South Africa (party list)	4.829		
Tunisia (party list)	4.805		
Egypt (party list)	4.735		

Western Europe		Variance	Average Party List
France (party list)	6.442	0.163023333	6.44
Germany (party list)	6.951		Plurality
Italy (party list)	5.964		6.714
Spain (party list)	6.403		
United Kingdom (plurality)	6.714		

Eastern Europe		Variance	Average (party list)
Ukraine (party list)	NA	0.225404818	5.784272727
Hungary (party list)	5.324		Plurality
Poland (plurality)	5.973		5.182
Estonia (party list)	5.611		
Latvia (party list)	5.85		
Lithuania (two round parallel)	5.902		
Slovakia (party list)	6.098		
Russia (party list)	5.963		
Slovenia (party list)	5.758		
Romania (party list)	5.825		
Czech Rep (party list)	6.609		
Bosnia (plurality)	5.182		
Bulgaria (party list)	4.714		

Middle East		Variance	Average
Turkey (party list)	5.5	0.200970167	6.149166667
Bahrain (monarch)	6.087		Party List Average
Kuwait (monarchy)	6.105		6.3565
Jordan (monarchy)	5.336		
UAE (monarchy)	6.648		
Qatar (monarchy)	6.375		
Saudi Arabia (monarchy)	6.344		
Israel (party list)	7.213		

Asia		Variance plurality	Average plurality
China (communist)	5.273	0.0920288	6.21
Japan (plurality)	5.92	Variance Communism	Average Communism
Malaysia (plurality)	6.084	0.0198005	5.1735
Singapore (plurality)	6.572		
South Korea (plurality)	5.838		
Taiwan (plurality)	6.422		
Thailand (plurality)	6.424		
Vietnam (communist)	5.074		

Overall party list happiness average (33 total)	Overall plurality happiness average (17 total)
5.811434783	5.988533333

The more powerful data involves geographic regions where political variation exists. North America and the Nordic States lack sufficient political diversity to identify the utility in different political systems. Regions like Africa, South America, the Middle East, and Asia are noteworthy. The Africa group shows a slightly higher happiness score in multi-party systems than plurality. This is seen on a much greater scale with the South America groupings with the 6.19 to 5.37 scores. There is an argument to be made that the Middle Eastern bloc lacks sufficient political data points to use in the conversation regarding elections. However, it is notable that the two nations democratic in nature have a greater average happiness scores than the oil rich Middle Eastern kingdoms. This may be more the result of the impact of climate on happiness over wealth. Further inquiry could determine the significance of climate and wealth on national happiness. Asia demonstrates the stark contrast between plurality and communist systems in terms of happiness. It should be noted that the overall average of plurality systems produces a score marginally higher than multi-party nations. This may be more a result of a greater number of nations (33 compared to 17) in the multi-party average than the plurality

average. This data weakly suggests that, when compared to other nations in geographic proximity, multi-party systems elicit greater happiness in the electorate.

Correlations can be observed when different notions of happiness begin to point in the same direction. The happiness metric may be redefined to encompass topics contained within the Happiness Index such as longevity and wellbeing metrics, or even variables not contained within the index such as public opinion polls on government transparency or trust. A powerful indication might emerge if a select few systems begin to produce similar results. The goal is to determine if electorates that are more adequately represented are happier than those who are not.

While the variables measured in this chapter appear weakly, if at all, correlated, this is not to say future iterations of this methodology with different variables will produce similar results. Different Happiness Index elements could be isolated in future studies to see if stronger relationships exist between sole elements and election processes. Happiness could also be redefined completely in future studies. When multiple indexes indicate similar empirical results after changes to the indexes are made a powerful conclusion can be drawn despite the qualitative nature of the methodology. Multi-party systems appear marginally superior to plurality/winner-take-all systems based on the metric used. Election based systems appear superior to monarchical and communistic systems as well. Insufficient real-world data exists to detect correlations in voting systems like the Borda Count and Condorcet elections but that may not always remain the case.

It is largely accepted that no system fits the bill as perfect by any definition, but that does voters little good. What should be asked next is how can alternatives be found given they remain theoretical? In many decision-filled environments, a commonly used strategy to problem solving is to apply conditional probability, or Bayes' Theorem, to determine the maximum payoff of any

given process. Bayes' Theorem is simple in concept; it is the probability of an action occurring multiplied by the instances it could occur and is influenced by prior events.⁹³ This widespread theorem is useful in situations where concrete data are available, making it a useful utilitarian tool.

According to researchers like Dr. Warren Smith, voting research has made little progress to date. "Previously the area of voting systems lay under the dark cloud of 'impossibility theorems' showing that no voting system can satisfy certain seemingly reasonable sets of axioms."⁹⁴ Many studies have developed inconclusive results or remained purely in the theoretical. Dr. Smith developed a promising mathematical model based off probability outcomes to determine which single candidate elections might elicit the greatest amount of happiness in the electorate. Bayesian Regret or Voter Satisfaction Efficiency is an attempt to measure the "happiness" a voting system might produce. "The 'Bayesian regret' of a voting system is just the (nonnegative) expected difference between the utility (summed over all voters) of the election winner that system produces, versus the maximum-possible (summed) utility which would have resulted had the best candidate always won".⁹⁵

In his model, Dr. Smith assigned randomly generated utilities prefaced on election outcomes. He then used Monte Carlo (a random number generation process) computer simulations to run 720 simulations with millions of iterations. The result is an index that appears to capture what the most optimal voting system might be based on maximum revealed utility with utility being defined as a numerical percentage on a sliding scale.

⁹³ Routledge, Richard. "Bayes's theorem." Encyclopædia Britannica. February 20, 2017.
<https://www.britannica.com/topic/Bayess-theorem>.

⁹⁴ Smith, Warren D. "Range Voting." September 29, 2004.
<http://rangevoting.org/WarrenSmithPages/homepage/rangevote.pdf>.

⁹⁵ Ibid.

Simulations such as this are excellent at forcing revealed preferences. They can show which voting system might yield the most utility even with widespread strategic voting. Such models can be criticized for their cardinal nature. Can voters really assign a specific number to a candidate? “Models simulated may be unrealistic... But the parameters of the simulations can be altered getting coverage of a wide space of possibilities, at least some of which are likely to be realistic – so that if (as will occur here) all the models agree on some conclusion, that is very strong evidence for it”.⁹⁶ It is also attractive to measure a model without relying on subjectivity. When polled, citizens might be able to provide slight preferences but not quantified numerical values. Such defined stratification is rare in social sciences.

Voter Satisfaction Efficiency and similar computer models may be the future of theoretical problem solving and system analysis. The Vote Satisfaction Efficiency index is used in William Poundstone’s book *Gaming the Vote: Why Elections Aren’t Fair (and What We Can Do About It)* as well as in academic publications like Sebastien Bubeck and Che-Yu Liu in their study *Prior-free and prior-dependent regret bounds for Thompson Sampling*.⁹⁷ Men like Maruice Conti believe computer algorithms have the potential to solve near any efficiency problem and can be witness by viewing his speech on Artificial Intelligence.⁹⁸ While computer algorithms hold great promise, there is much to be learned from conducting organic research on animals that engage in similar behavior.

⁹⁶ Smith, Bees et al

⁹⁷ Bubeck, Sebastien, and Che-Yu Liu. "Prior-free and prior-dependent regret bounds for Thompson Sampling." 2014 48th Annual Conference on Information Sciences and Systems (CISS), 2014. doi:10.1109/ciss.2014.6814158.

⁹⁸ Conti, Maurice. "The incredible inventions of intuitive AI." TED: Ideas worth spreading. Accessed December 16, 2017. https://www.ted.com/talks/maurice_conti_the_incredible_inventions_of_intuitive_ai.

A 2007 paper titled *Ants, Bees, and Computers agree Range Voting is the best single-winner system*, by Dr. Smith, asserts that there are three ways to “make a quantitative evaluation” on varying voting systems.

The first is to examine actual elections throughout history, try to determine which results would have happened under different voting systems and how ‘good’ each would have been. This is a variation of what this chapter attempts to do. The second would be to conduct elections via computer simulation as has just been explained in depth. The last would be to “create some eusocial lifeform which, as an important part of its lifecycle, holds a single-winner election, and such that the choice made by that election has a major effect on Darwinian fitness. Let it evolve on some planet for 100 Myr while conducting over 10^{15} elections – then see what voting procedure was invented and how well it performs... This experiment has already been done by honeybees and ants on Earth.⁹⁹

This type of associative problem solving can be conducted on natural organisms if a realistic association can be identified. Every season bees must find a new hive. The survival of the swarm depends on the location found. Scout bees search for a location, return to the hive, and conduct a dance that 1. express a vote, and 2. express how strongly the bee feels about its vote based on the duration and energy of its dance. These types of natural occurrences can be useful especially when searching for alternative election systems within the political realm.

The academic debate regarding election systems is not focused on whether it would be prudent to keep plurality systems in place but rather, which system should replace plurality elections. It would be difficult to argue that political representation has no effect on the happiness of an electorate. It is equally challenging to profess that a direct causal link can be established between happiness and national election systems as has been attempted. The different forms of single-winner election systems undeniably affect the six variables contained with the World Happiness Report Index, but their effect on happiness is likely tangential. Future

⁹⁹ Smith, Bees et al

studies should continue to focus on happiness as an outcome. Definitions may differ, but consensus of any sort is powerful. There is likely no silver bullet election system immediately available but there remains room for improvement.

Institutional political change occurs slowly for good reason. Rapid revolutions make it difficult to establish long-standing norms possessed by more stable systems. I foresee election system reform occurring piecemeal. Cities and localities are prime targets to test alternative processes. Reform that unambiguously benefits citizens should spread rapidly. Institutions like the Range Voting Organization and Electoral Reform Society that educate the electorate are conducting the first steps to reform. Adoption of such alternatives on smaller scales would be the next step in introducing potential alternatives. The final steps would involve nation-wide adoption of policies after a significant establishment already exists at the local level.

The future of election study is promising. Between associative analysis conducted in this chapter, computer simulations, and studying nature, there exists a strong chance for the discovery of election methods that lead to greater happiness. Two key areas still in need of research are greater insight into the relationship between types of governments and the bellicosity expressed by their citizens and which types of governments are most efficient at delivering services to citizens. This chapter can be used as a roadmap for more in-depth causal analysis. It also presents a synthesized compilation of the on-going academic discussion and has introduced promising methods of future election system analysis. These contributions should facilitate future election-oriented research.

Chapter 5

CONCLUSION

There's a common phrase in the English language used to discourage tweaking systems. "If it ain't broke, don't fix it". The problem, however, is that representation in the United States is broken, at least to an extent. Some systems can be manipulated endlessly with little repercussion. Political systems are not so forgiving. At best, populations experience significant frustration to a poorly implemented change. At worst, millions die. Despite this grave possibility, failing to correct representation issues in republics can be equally disastrous.

Special interest groups and the onset of gerrymandering bypass natural governmental checks and balances. These entities exist outside government but have significant impact on the political process. Referendums might appear to be an excellent solution to representation issues, but they create a host of issues as well. Voters cannot adequately strategically vote or vote trade even with modern technological innovations. Referendums can severely restrict the rights of minorities when they focus on political representation. Lastly, first past the post voting has remained in place for over 240 years. It was the best option for the burgeoning republic because of its logistical appeal but not because it was the most representative.

In the case of anything political, skeptics are wary of political policy prescriptions. Failing to openly admit to a clear vision or end state often places prescriptions at severe disadvantage to criticism. This thesis and the prescriptions contained within aim to mollify the impact of plurality groups in American politics. It also attempts to address growing concerns that voter disinterest is damaging the polity. By rectifying this representation issue, it is hoped that voter participation increases. By explaining that referendums are not the solution to this issue, it is hoped that policy makers can avoid the same pitfalls befallen to other republics. By altering

the way elections are decided, it is hoped that campaigns will be more civil, less vitriolic, and more competitive. And lastly, changes to the voting system should enhance representative responsiveness in previously unresponsive districts as well as signal a clear strength of mandate to political candidates. Winning alone will not be the end all be all of politics.

These hopes arise from a desire to see more diverse involvement in the American political process. It is hoped that partisanship be weakened through a process that allows multiple candidates to run without harming clear frontrunners. Existing political parties will undoubtedly discourage such changes. But it should be noted these structural changes would not necessarily change the current political dynamic. They merely offer to structurally allow such changes should they be sought.

The state of Maine has been the first to make alterations to its election process. By introducing ranked choice voting, the state allowed a candidate that would have lost in a single election plurality to win after neither candidate garnered 51 percent of the vote. Bruce Poliquin eventually dropped his legal challenge of the new system after an emphatic defense of the process was released by the Maine State Supreme Court.¹⁰⁰ It's likely future court cases will be levied as election systems are changed. In the case of politics, outcome often matters more to candidates than process.

This thesis has shown special interest groups can significantly impact the political process. It also showed that gerrymandering reduces voter turnout but can be alleviated with the introduction of an efficiency gap calculation and turn based districting approach. It demonstrated that referendums can still be useful despite their inherent inefficiencies and should be used

¹⁰⁰ Taylor, Kate. "Maine Republican Drops Challenge to State's New Vote System, Conceding House Race". The New York Times, 24 Dec, 2018. <https://www.nytimes.com/2018/12/24/us/maine-republican-poliquin-concede.html>

differently depending on the cultural content of the citizenry. It has emphatically argued that changing election methods in the United States promises to alleviate a fundamental issue of inadequate voter representation. Despite these results, little attention has been paid to a way forward. Implementing the changes previously recommended will take much more thought and its undeniable that unforeseen challenges will arise during implementation.

Political changes either occur glacially or with great leaps forward. The leaps are usually predicated by some national or global disaster. It is hoped that disaster not be the catalyst for change in this case. Consequently, federalism and patience are the most likely allies in making political change across the United States. In the case of gerrymandering, extra political energy will need to be exerted to overturn recent roadblocks. On 27, June 2019 the Supreme Court in *Rucho v. Common Cause*, declared partisan gerrymandering is not reviewable by federal courts.

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There is a fear and misunderstanding at the highest level of the judiciary that no corrective mechanisms exist to address gerrymandering. Of course, not all gerrymandering can be corrected. It is, at its heart, a political question. But the legislative bodies throughout the states can offer the courts a toolkit to evaluate gerrymandering more effectively. Safe seats will always exist in some locations – drawing competitive districts would lead to absurd boundaries in those areas. Despite this reality, gerrymandering is a question that the courts are aptly equipped to address.

¹⁰¹ Rauch, Jonathan. “The Gerrymandering Ruling Was Bad, but the Alternatives Were Worse”. The Atlantic. 28 June, 2019. <https://www.theatlantic.com/ideas/archive/2019/06/gerrymandering-ruling-could-have-been-worse/592879/>

The Courts have readily shown their ability to intervene when racially based gerrymandering is discovered. *Baker v. Carr* (1962) and *Reynolds v. Sims* (1964) demonstrated that districts decided by race would be incompatible with the Fourteenth Amendment and established the doctrine of “one person, one vote”.¹⁰² The Amendment does not protect parties, but these cases showed the court is capable of intervening when gerrymandering occurs. If the courts aren’t the only solution other options must be sought. When seeking solutions to inadequate representation, a common argument is to incorporate referendums.

Referendums have undoubtedly been useful at correcting legislative inefficiencies, but they are not the silver bullet needed to address widespread representation issues. When policy questions are complex and involve numerous implications beyond single-issue topics, it is often best to leave the legislature to the topic. Some states have placed limitations on the frequency of referendums to allow time for their impact to be felt and analyzed. Referendums may not be the sole solution to representation issues, but they certainly increase political participation. In one study, the Initiative and Referendum League of Maine noted that participation increases 3-8 percent in elections including referendums.¹⁰³

When majorities make decisions there are often second and third order effects that can hamper political access of minority groups. Sylvia Vargas explained how insidious referendums can be when political access is at stake. Along the same lines, this thesis analyzed public attitudes toward minority groups and found nations incorporating different types of referendums had distinctly different mindsets toward minority groups. Such a conclusion alone might not be significant, but a similar study conducted across U.S. states could reveal which referendums are

¹⁰² National College for School Leadership. “Cases Relating to Population”. NCSL. 25 April, 2019.
<http://www.ncsl.org/research/redistricting/redistricting-and-the-supreme-court-the-most-significant-cases.aspx>

¹⁰³ https://ballotpedia.org/History_of_initiative_and_referendum_in_the_U.S.#cite_note-IR-12

most suited for certain regions. Such a regional strategy would also be the way forward for election reform.

Surprisingly, the marijuana legalization movement may be the best model for election change in the United States. The history of cannabis in the U.S. is complex. It was ubiquitous and growth was even legally mandated in some early colonies. It was not until the Twenty First Amendment that marijuana was widely criminalized.¹⁰⁴ Significant concern exists regarding its impact on crime and the health of the public. Despite this concern, several states have legalized marijuana completely showing that state led experimentation can and does occur.¹⁰⁵

Election reform would have far deeper ramifications than any single legalization of a commodity, but federalism is the likeliest avenue to reform. States like Maine have begun to experiment with novel and representative election methods. As Americans witness the consequence of more competitive and representative systems it is not unlikely that they will seek change in their own states. Article IV, Section 4 of the Constitution guarantees a republican form of government.¹⁰⁶ How this is accomplished is entirely up to the citizens.

Recent frustrations with the American election system have centered on the electoral college. The college is a national districting plan. Such a system inevitably warps representation. Arguably, the college is not the root problem. Every representative republic faces the age-old dilemma of aptly representing rural and urban regions. The college ensures that even Americans in rural regions will have a voice in national politics. Removing such a system for the office of

¹⁰⁴ McNearney, Allison. “The Complicated History of Cannabis in the US”. History.com. 20 April, 2018.

¹⁰⁵ Berke, Jeremy & Skye Gould. “Illinois Just became the first state to legalize marijuana sales through the legislature – here are all the states where marijuana is legal”. Business Insider. 25 June, 2019.
<https://www.businessinsider.com/legal-marijuana-states-2018-1?r=US&IR=T>

¹⁰⁶ The Heritage Guide to the Constitution. Heritage.org.
<https://www.heritage.org/constitution/#!/articles/4/essays/128/guarantee-clause>

president may correct some issues but it fails to address other endemic representation problems. These include the spoiler effect of third-party candidates, the ability of plurality winners to disregard large blocks of voters, and a win at all cost campaign strategy that degrades the political process. In response to such frustrations, over 11 states have drafted legislation for electoral college members to promise their votes to the winner of the popular vote.¹⁰⁷

Almost any alternative voting system is more representative than the first past the post system used in America today. Along with the recommendation of Majority Judgement, it was demonstrated that the type of national government a country has affects the happiness of its citizens. This seemingly intuitive concept has not been researched more fully due to the intangible nature of happiness. Despite this fact, quantifying happiness is the first step toward discovering more empirical strategies for evaluating election systems. Citizens who have a voice in their economic and political life are significantly happier than those who do not.

This thesis covered three main areas that undermine representation in the United States. Special interest groups and gerrymandering undermine representation and can have long-lasting effects on political substructures. Referendums, while useful in some instances, frequently produce results paradoxical to majority desires and can restrict minority political access. Election systems, as they stand, have structural elements that resist change and competition and can lead to unresponsive governments. Failing to address these areas offers to reinforce voter apathy, entrench partisanship, and weaken the perceived legitimacy of American government.

¹⁰⁷ Kelly, Caroline. "New Colorado Law will give state's electoral college votes to national popular vote winner". CNN politics. 16 March, 2019. <https://edition.cnn.com/2019/03/16/politics/colorado-presidential-vote-electoral-college-law/index.html>

It is recommended that state-led legislation be drafted to incorporate measures resisting both intentional and unintentional gerrymandering using the efficiency gap and the turn based (cake) strategy. Referendums can be better understood and implemented through a study on minority relationships within specific states based on Simon Hug and George Tsebelis's referendum classifications. States should also incorporate changes to their election processes. A key recommendation of this thesis is for states to implement Majority Judgement voting as proposed by Michel Balinski and Rida Laraki. This type of range voting is the most expressive and resistant to strategic voting. Voters are encouraged to vote their optimal choice, a majority of votes is required for a winner, expressiveness can be captured more aptly, and the system is much easier for voters to understand than a ranked system.

Following these prescriptions offers a promising correction to inadequate representation in the United States. The framers of the nation knew national change would be required periodically. They created a constitutional process for this to occur. Revolutionizing the way elections occur, however, is an innately risky endeavor. As such, a constitutional amendment may not be the best avenue. Federalism then, is the solution to the issue. States should lead the way to address the growing recognition of representative inefficiency in the United States. Doing so offers to drastically improve the political process, demonstrate the power of federalism, and alleviate underrepresentation in America.

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